

AMENDED IN SENATE MAY 12, 1998

AMENDED IN SENATE APRIL 16, 1998

SENATE BILL

No. 2238

**Introduced by Committee on Business and Professions
(Senators Polanco (Chair), Ayala, Craven, Greene, Kelley,
Lee, O'Connell, and Rosenthal)**

March 9, 1998

An act to amend Sections ~~4209~~, 2532.2, 2960, 2960.1, 3356, 4826.1, 4980.40, 4980.80, 4980.90, 4982.25, 4984.1, 4984.4, 4984.7, 4986.70, 4986.80, 4992.36, 4996.3, 4996.4, 4996.6, 4996.7, 4996.18, 5615, 5616, 5621, 5622, 5624, 5626, 5629, 5630, 5640, 5641, 5642, 5644, 5652, 5653, 5654, 5655, 5656, 5657, 5659, 5660, 5662, 5665, 5666, 5667, 5668, 5669, 5670, 5671, 5672, 5673, 5676, 5678.5, 5679.5, 5680, 5680.05, 5680.1, 5680.2, 5681, ~~6980.12~~, 9880.1, 9882.5, ~~9884.7~~, ~~9889.31~~, ~~9889.32~~, and ~~9889.33~~ and 9884.7 of, to add Sections 138, 2532.3, 4980.31, 4984.8, 4986.41, 4986.82, 4997, 5675.5, and 22448 to, and to repeal Sections 5677, 5678, 5679, and 9889.30 of, the Business and Professions Code, to amend Sections 8214.1, 8214.15, 8219.5, and 8223 of the Government Code, and to amend Section 803 of the Penal Code, relating to professions, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 2238, as amended, Committee on Business and Professions. Consumer affairs.

Existing law provides for the creation of various regulatory boards and commissions within the jurisdiction of the Department of Consumer Affairs.

This bill would require those entities to initiate a process of adopting regulations on or before June 30, 1999, to require licentiates to provide written notice to clients and customers that the licentiate must be licensed in good standing in order to practice lawfully, and the means for contacting the licensing entity for the purpose of seeking information or filing a complaint. It would require each of those regulatory entities to submit a plan to the Director of Consumer Affairs on or before December 31, 1999, providing for periodic evaluation of every licensing examination that it administers.

Existing law provides that, for purposes of registration or licensure as a psychologist, unprofessional conduct is defined to include any act of sexual abuse, sexual relations with a patient, or sexual misconduct which is substantially related to the qualifications, functions, or duties of a psychologist or psychological assistant.

This bill would include any act of sexual abuse or sexual relations with a former patient within 2 years following termination of therapy, or sexual misconduct which is substantially related to the qualifications, functions, or duties of a registered psychologist. It would make related changes.

Existing law provides for the licensure and regulation of marriage, family and child counselors, clinical social workers, and educational psychologists.

This bill would require those licensees to display their license in a conspicuous place in the licensee's primary place of practice. The bill would revise and recast various provisions which would, among other things, do the following:

(1) Require as a condition of licensure, instruction in spousal or partner abuse assessment, detection, and intervention.

(2) Authorize a licensee to apply to the Board of Behavioral Sciences to have his or her license placed on inactive status, as specified.

(3) Define unprofessional conduct to include denial of licensure, revocation, suspension, restriction, or any other disciplinary action imposed by another state or territory or possession of the United States, or by any other governmental agency, as specified.



(4) Provide that revocation, suspension, or restriction by the board of a license, certificate, or registration to practice as an educational psychologist, a clinical social worker, or a marriage, family and child counselor constitutes grounds for disciplinary action for unprofessional conduct against the licensee or registrant.

(5) Provide for the forfeiture of examination fees paid by applicants for licensure who fail to appear for examination.

~~Existing law provides for the licensure and regulation of locksmiths. Certain persons are specifically exempted from those requirements.~~

~~This bill would additionally exempt licensed contractors holding the appropriate specialty certification for locksmith-contrators.~~

Existing law, the Automotive Repair Act, generally requires persons engaged in automotive repair to register with the Director of Consumer Affairs, unless exempt from the requirement. The act makes various references to the term “mechanic,” and defines the term to include the performance of various automotive repair functions.

This bill would instead refer to “automobile technician.” It would define the term to additionally include the performance of diagnostics.

This bill would also make certain technical, and conforming changes. The bill would revise and recast various licensing provisions relating to ~~laboratory directors,~~ the Speech-Pathology and Audiology Examining Committee, hearing aid dispensers, the Board of Behavioral Sciences, landscape architects, and notaries public, and make related changes, as specified.

Existing law sets forth a schedule of fees relating to landscape architect licensure and examination, and payable into the California Board of Architectural Examiners-Landscape Architects Fund, a special fund which is continuously appropriated. This bill would impose a new application fee for reviewing an applicant’s eligibility to take any section of the examination.

By increasing the amount of moneys payable into the fund, the bill would make an appropriation.

Existing law provides for the regulation of immigration consultants, defined as a person who provides non-legal assistance or advice on an immigration matter. Existing law authorizes a person claiming to be aggrieved by a violation of provisions regulating immigration consultants to bring a civil action for injunctive relief or damages, or both, but does not set a time limit within which that action must be commenced.

This bill would provide that any action to enforce a cause of action under those regulatory provisions shall be commenced within 4 years after the cause of action has accrued.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 138 is added to the Business and
2 Professions Code, to read:

3 138. (a) Every board in the department, as defined
4 in Section 22, shall initiate the process of adopting
5 regulations on or before June 30, 1999, to require its
6 licentiates, as defined in Section 23.8, to provide written
7 notice to their clients or customers that the licentiate
8 must be licensed in good standing with that board in
9 order to practice lawfully, and the means for contacting
10 the licensing board for the purpose of seeking
11 information or filing a complaint.

12 (b) Every board, as defined in Section 22, shall submit
13 a plan to the director on or before December 31, 1999,
14 providing for periodic evaluation of every licensing
15 examination that the board administers. The evaluation
16 shall include an occupational analysis component and an
17 item validity analysis, as well as an assessment of the
18 appropriateness of prerequisites for admittance to
19 respective licensing examinations. These assessments
20 may be conducted by the department, or pursuant to a
21 contract with a qualified private testing firm.

22 ~~SEC. 1.1. Section 1209 of the Business and Professions~~
23 ~~Code is amended to read:~~

24 ~~1209. (a) As used in this chapter, "laboratory~~
25 ~~director" means any person who is a duly licensed~~

1 ~~physician and surgeon, or who is a duly licensed and~~
2 ~~qualified oral and maxillofacial pathologist directing an~~
3 ~~oral pathology laboratory, or is licensed to direct a clinical~~
4 ~~laboratory under this chapter and who substantially~~
5 ~~meets the laboratory director qualifications under CLIA~~
6 ~~for the type and complexity of tests being offered by the~~
7 ~~laboratory. The laboratory director, if qualified under~~
8 ~~CLIA, may perform the duties of the technical~~
9 ~~consultant, technical supervisor, clinical consultant,~~
10 ~~general supervisor, and testing personnel, or delegate~~
11 ~~these responsibilities to persons qualified under CLIA. If~~
12 ~~the laboratory director reapportions performance of~~
13 ~~those responsibilities or duties, he or she shall remain~~
14 ~~responsible for ensuring that all those duties and~~
15 ~~responsibilities are properly performed.~~

16 (b) (1) ~~The laboratory director is responsible for the~~
17 ~~overall operation and administration of the clinical~~
18 ~~laboratory, including administering the technical and~~
19 ~~scientific operation of a clinical laboratory, the selection~~
20 ~~and supervision of procedures, the reporting of results,~~
21 ~~and active participation in its operations to the extent~~
22 ~~necessary to assure compliance with this act and CLIA.~~
23 ~~He or she shall be responsible for the proper performance~~
24 ~~of all laboratory work of all subordinates and shall employ~~
25 ~~a sufficient number of laboratory personnel with the~~
26 ~~appropriate education and either experience or training~~
27 ~~to provide appropriate consultation, properly supervise~~
28 ~~and accurately perform tests, and report test results in~~
29 ~~accordance with the personnel qualifications, duties, and~~
30 ~~responsibilities described in CLIA and this chapter.~~

31 (2) ~~Where a point-of-care laboratory testing device is~~
32 ~~utilized and provides results for more than one analyte,~~
33 ~~the testing personnel may perform and report the results~~
34 ~~of all tests ordered for each analyte for which he or she has~~
35 ~~been found by the laboratory director to be competent to~~
36 ~~perform and report.~~

37 (c) ~~As part of the overall operation and administration,~~
38 ~~the laboratory director of a registered laboratory shall~~
39 ~~document the adequacy of the qualifications~~
40 ~~(educational background, training, and experience) of~~

~~the personnel directing and supervising the laboratory and performing the laboratory test procedures and examinations. In determining the adequacy of qualifications, the laboratory director shall comply with any regulations adopted by the department that specify the minimum qualifications for personnel, in addition to any CLIA requirements relative to the education or training of personnel.~~

~~(d) As part of the overall operation and administration, the laboratory director of a licensed laboratory shall do all of the following:~~

~~(1) Ensure that all personnel, prior to testing biological specimens, have the appropriate education and experience, receive the appropriate training for the type and complexity of the services offered, and have demonstrated that they can perform all testing operations reliably to provide and report accurate results. In determining the adequacy of qualifications, the laboratory director shall comply with any regulations adopted by the department that specify the minimum qualifications for, and the type of procedures that may be performed by, personnel in addition to any CLIA requirements relative to the education or training of personnel. Any regulations adopted pursuant to this section that specify the type of procedure that may be performed by testing personnel shall be based on the skills, knowledge, and tasks required to perform the type of procedure in question.~~

~~(2) Ensure that policies and procedures are established for monitoring individuals who conduct preanalytical, analytical, and postanalytical phases of testing to assure that they are competent and maintain their competency to process biological specimens, perform test procedures, and report test results promptly and proficiently, and, whenever necessary, identify needs for remedial training or continuing education to improve skills.~~

~~(3) Specify in writing the responsibilities and duties of each individual engaged in the performance of the preanalytic, analytic, and postanalytic phases of clinical~~

1 ~~laboratory tests or examinations, including which clinical~~
2 ~~laboratory tests or examinations the individual is~~
3 ~~authorized to perform, whether supervision is required~~
4 ~~for the individual to perform specimen processing, test~~
5 ~~performance, or results reporting, and whether~~
6 ~~consultant, supervisor, or director review is required~~
7 ~~prior to the individual reporting patient test results.~~

8 ~~(c) The competency and performance of staff of a~~
9 ~~licensed laboratory shall be evaluated and documented~~
10 ~~by the laboratory director, or by a person who qualifies as~~
11 ~~a technical consultant or a technical supervisor under~~
12 ~~CLIA depending on the type and complexity of tests~~
13 ~~being offered by the laboratory.~~

14 ~~(1) The procedures for evaluating the competency of~~
15 ~~the staff shall include, but are not limited to, all of the~~
16 ~~following:~~

17 ~~(A) Direct observations of routine patient test~~
18 ~~performance, including patient preparation, if~~
19 ~~applicable, and specimen handling, processing, and~~
20 ~~testing.~~

21 ~~(B) Monitoring the recording and reporting of test~~
22 ~~results.~~

23 ~~(C) Review of intermediate test results or worksheets,~~
24 ~~quality control records, proficiency testing results, and~~
25 ~~preventive maintenance records.~~

26 ~~(D) Direct observation of performance of instrument~~
27 ~~maintenance and function checks.~~

28 ~~(E) Assessment of test performance through testing~~
29 ~~previously analyzed specimens, internal blind testing~~
30 ~~samples, or external proficiency testing samples.~~

31 ~~(F) Assessment of problem solving skills.~~

32 ~~(2) Evaluation and documentation of staff~~
33 ~~competency and performance shall occur at least~~
34 ~~semiannually during the first year an individual tests~~
35 ~~biological specimens. Thereafter, evaluations shall be~~
36 ~~performed at least annually unless test methodology or~~
37 ~~instrumentation changes, in which case, prior to~~
38 ~~reporting patient test results, the individual's~~
39 ~~performance shall be reevaluated to include the use of~~
40 ~~the new test methodology or instrumentation.~~

~~(f) The laboratory director of each clinical laboratory of an acute care hospital shall be a physician and surgeon who is a qualified pathologist, except as follows:~~

~~(1) If a qualified pathologist is not available, a physician and surgeon or a clinical laboratory bioanalyst qualified as a laboratory director under subdivision (a) may direct the laboratory. However, a qualified pathologist shall be available for consultation at suitable intervals to ensure high quality service.~~

~~(2) If there are two or more clinical laboratories of an acute care hospital, those additional clinical laboratories that are limited to the performance of blood gas analysis, blood electrolyte analysis, or both may be directed by a physician and surgeon qualified as a laboratory director under subdivision (a), irrespective of whether a pathologist is available.~~

~~As used in this subdivision, a qualified pathologist is a physician and surgeon certified or eligible for certification in clinical or anatomical pathology by the American Board of Pathology or the American Osteopathic Board of Pathology.~~

~~(g) Subdivision (f) does not apply to any director of a clinical laboratory of an acute care hospital acting in that capacity on or before January 1, 1988.~~

~~SEC. 1.2.~~

~~SEC. 1.1. Section 2532.2 of the Business and Professions Code is amended to read:~~

~~2532.2. To be eligible for licensure by the board as a speech-language pathologist or audiologist, the applicant shall possess all of the following qualifications:~~

~~(a) Possess at least a master's degree in speech-language pathology or audiology from an educational institution approved by the board or qualifications deemed equivalent by the board.~~

~~(b) Submit transcripts from an educational institution approved by the board evidencing the successful completion of at least 60 semester units of courses related to the normal development, function, and use of speech, hearing, and language; and courses that provide information about, and training in, the management of~~

1 speech, hearing, and language disorders. At least 24 of the
2 required 60 semester units shall be related to disorders of
3 speech, voice, or language for speech-language pathology
4 applicants or to disorders of hearing and the modification
5 of communication disorders involving speech and
6 language resulting from hearing disorders for audiology
7 applicants. These 60 units do not include credit for thesis,
8 dissertation, or clinical practice.

9 (c) Submit evidence of the satisfactory completion of
10 supervised clinical practice with individuals
11 representative of a wide spectrum of ages and
12 communication disorders. The board shall establish by
13 regulation the required number of clock hours, not to
14 exceed 300 clock hours, of supervised clinical practice
15 necessary for the applicant.

16 The clinical practice shall be under the direction of an
17 educational institution approved by the board.

18 (d) Submit evidence of no less than 36 weeks of
19 satisfactorily completed supervised professional full-time
20 experience or 72 weeks of professional part-time
21 experience obtained under the supervision of a licensed
22 speech-language pathologist or audiologist or a
23 speech-language pathologist or audiologist having
24 qualifications deemed equivalent by the board. This
25 experience shall be evaluated and approved by the board.
26 Any experience to be obtained in a setting which is not
27 exempt from the licensure requirements under Section
28 2530.5 shall be approved in advance by the board. The
29 required professional experience shall follow completion
30 of the requirements listed in subdivisions (a), (b), and
31 (c). Full time is defined as at least 36 weeks in a calendar
32 year and a minimum of 30 hours per week. Part time is
33 defined as a minimum of 72 weeks and a minimum of 15
34 hours per week.

35 (e) Pass an examination or examinations approved by
36 the board. The board shall determine the subject matter
37 and scope of the examinations and may waive the
38 examination upon evidence that the applicant has
39 successfully completed an examination approved by the
40 board. Written examinations may be supplemented by

1 such oral examinations as the board shall determine. An
2 applicant who fails his or her examination may be
3 reexamined at a subsequent examination upon payment
4 of the reexamination fee required by this chapter.

5 A speech-language pathologist or audiologist who holds
6 a license from another state or territory of the United
7 States or who holds equivalent qualifications as
8 determined by the board and who has completed no less
9 than one year of full-time continuous employment as a
10 speech-language pathologist or audiologist within the
11 past three years is exempt from the supervised
12 professional experience in subdivision (d).

13 ~~SEC. 1.3.~~

14 *SEC. 1.2.* Section 2532.3 is added to the Business and
15 Professions Code, to read:

16 2532.3. (a) Upon approval of an application filed
17 pursuant to Section 2532.1, and upon the payment of the
18 fee prescribed by subdivision (g) of Section 2534.2, the
19 board may issue a temporary license for a period of six
20 months from the date of issuance to a speech-language
21 pathologist or audiologist who holds an unrestricted
22 license from another state or territory of the United States
23 or who holds equivalent qualifications as determined by
24 the board and has made application to the board for a
25 license in this state.

26 (b) A temporary license shall terminate upon notice
27 thereof by certified mail, return receipt requested, if it is
28 issued by mistake or if the application for permanent
29 licensure is denied.

30 (c) Upon written application, the board may reissue a
31 temporary license to any person who has applied for a
32 regular renewable license pursuant to Section 2532.1, and
33 who, in the judgment of the board, has been excusably
34 delayed in completing his or her application or the
35 minimum requirements for a regular license. The board
36 may not reissue a temporary license more than twice to
37 any one person.

38 *SEC. 2.* Section 2960 of the Business and Professions
39 Code is amended to read:

1 2960. The board may refuse to issue any registration
2 or license, or may issue a registration or license with terms
3 and conditions, or may suspend or revoke the registration
4 or license of any registrant or licensee if the applicant,
5 registrant, or licensee has been guilty of unprofessional
6 conduct. Unprofessional conduct shall include, but not be
7 limited to:

8 (a) Conviction of a crime substantially related to the
9 qualifications, functions or duties of a psychologist or
10 psychological assistant.

11 (b) Use of any controlled substance as defined in
12 Division 10 (commencing with Section 11000) of the
13 Health and Safety Code, or dangerous drug, or any
14 alcoholic beverage to an extent or in a manner dangerous
15 to himself or herself, any other person, or the public, or
16 to an extent that this use impairs his or her ability to
17 perform the work of a psychologist with safety to the
18 public.

19 (c) Fraudulently or neglectfully misrepresenting the
20 type or status of license or registration actually held.

21 (d) Impersonating another person holding a
22 psychology license or allowing another person to use his
23 or her license or registration.

24 (e) Using fraud or deception in applying for a license
25 or registration or in passing the examination provided for
26 in this chapter.

27 (f) Paying, or offering to pay, accepting, or soliciting
28 any consideration, compensation, or remuneration,
29 whether monetary or otherwise, for the referral of clients.

30 (g) Violating Section 17500.

31 (h) Willful, unauthorized communication of
32 information received in professional confidence.

33 (i) Violating any rule of professional conduct
34 promulgated by the board and set forth in regulations
35 duly adopted under this chapter.

36 (j) Being grossly negligent in the practice of his or her
37 profession.

38 (k) Violating any of the provisions of this chapter or
39 regulations duly adopted thereunder.

1 (l) The aiding or abetting of any person to engage in
2 the unlawful practice of psychology.

3 (m) The suspension, revocation or imposition of
4 probationary conditions by another state or country of a
5 license or certificate to practice psychology or as a
6 psychological assistant issued by that state or country to
7 a person also holding a license or registration issued under
8 this chapter if the act for which the disciplinary action was
9 taken constitutes a violation of this section.

10 (n) The commission of any dishonest, corrupt, or
11 fraudulent act.

12 (o) Any act of sexual abuse, or sexual relations with a
13 patient or former patient within two years following
14 termination of therapy, or sexual misconduct which is
15 substantially related to the qualifications, functions or
16 duties of a psychologist or psychological assistant or
17 registered psychologist.

18 (p) Functioning outside of his or her particular field or
19 fields of competence as established by his or her
20 education, training, and experience.

21 (q) Willful failure to submit, on behalf of an applicant
22 for licensure, verification of supervised experience to the
23 board.

24 (r) Repeated acts of negligence.

25 SEC. 3. Section 2960.1 of the Business and Professions
26 Code is amended to read:

27 2960.1. Notwithstanding Section 2960, any proposed
28 decision or decision issued under this chapter in
29 accordance with the procedures set forth in Chapter 5
30 (commencing with Section 11500) of Part 1 of Division 3
31 of Title 2 of the Government Code, that contains any
32 finding of fact that the licensee or registrant engaged in
33 any act of sexual contact, as defined in Section 728, when
34 that act is with a patient, or with a former patient within
35 two years following termination of therapy, shall contain
36 an order of revocation. The revocation shall not be stayed
37 by the administrative law judge.

38 SEC. 3.1. Section 3356 of the Business and Professions
39 Code is amended to read:

1 3356. (a) An applicant who has fulfilled the
2 requirements of Section 3352 and has made application
3 therefor, may have a temporary license issued to him or
4 her upon satisfactory proof to the committee that the
5 applicant holds a hearing aid dispenser's license in
6 another state, that the licensee has not been subject to
7 formal disciplinary action by another licensing authority,
8 and that the applicant has been engaged in the fitting and
9 sale of hearing aids for the two years immediately prior
10 to application.

11 (b) A temporary license issued pursuant to this section
12 shall be valid for one year from date of issuance and is not
13 renewable. A temporary license shall automatically
14 terminate upon issuance of a license prior to expiration of
15 the one-year period.

16 (c) The holder of a temporary license issued pursuant
17 to this section who fails either license examination shall be
18 subject to and shall comply with the supervision
19 requirements of Section 3357 and any regulations
20 adopted pursuant thereto.

21 SEC. 3.5. Section 4826.1 of the Business and
22 Professions Code is amended to read:

23 4826.1. A veterinarian who on his or her own
24 initiative, at the request of an owner, or at the request of
25 someone other than the owner, renders emergency
26 treatment to a sick or injured animal at the scene of an
27 accident shall not be liable in damages to the owner of
28 that animal in the absence of gross negligence.

29 SEC. 4. Section 4980.31 is added to the Business and
30 Professions Code, to read:

31 4980.31. A licensee shall display his or her license in a
32 conspicuous place in the licensee's primary place of
33 practice.

34 SEC. 4.5. Section 4980.40 of the Business and
35 Professions Code is amended to read:

36 4980.40. To qualify for a license an applicant shall
37 have all the following qualifications:

38 (a) Applicants applying for licensure on or after
39 January 1, 1988, shall possess a doctor's or master's degree
40 in marriage, family, and child counseling, marital and

1 family therapy, psychology, clinical psychology,
2 counseling psychology, counseling with an emphasis in
3 marriage, family, and child counseling, or social work
4 with an emphasis in clinical social work, obtained from a
5 school, college, or university accredited by the Western
6 Association of Schools and Colleges, or approved by the
7 Bureau for Private Postsecondary and Vocational
8 Education, pursuant to Section 94774.5 of the Education
9 Code. For purposes of this chapter, the term “approved
10 by the Bureau for Private Postsecondary and Vocational
11 Education” shall not include temporary, conditional, or
12 any other type of interim approval. In order to qualify for
13 licensure pursuant to this subdivision, any doctor’s or
14 master’s degree program shall contain no less than 48
15 semester or 72 quarter units of instruction. The
16 instruction shall include no less than 12 semester units or
17 18 quarter units of coursework in the areas of marriage,
18 family, and child counseling, and marital and family
19 systems approaches to treatment.

20 The coursework shall include all of the following areas:

21 (1) The salient theories of a variety of
22 psychotherapeutic orientations directly related to
23 marriage, family, and child counseling, and marital and
24 family systems approaches to treatment.

25 (2) Theories of marriage and family therapy and how
26 they can be utilized in order to intervene therapeutically
27 with couples, families, adults, children, and groups.

28 (3) Developmental issues and life events from infancy
29 to old age and their effect upon individuals, couples, and
30 family relationships. This may include coursework that
31 focuses on specific family life events and the
32 psychological, psychotherapeutic, and health
33 implications that arise within couples and families,
34 including, but not limited to, childbirth, child rearing,
35 childhood, adolescence, adulthood, marriage, divorce,
36 blended families, stepparenting, and geropsychology.

37 (4) A variety of approaches to the treatment of
38 children.



1 The board may, by regulation, further define the
2 content requirements of required courses specified in this
3 subdivision.

4 (b) (1) In addition to the 12 semester or 18 quarter
5 units of coursework specified above, the doctor's or
6 master's degree program shall contain not less than six
7 semester or nine quarter units of supervised practicum in
8 applied psychotherapeutic techniques, assessment,
9 diagnosis, prognosis, and treatment of premarital, couple,
10 family, and child relationships, including dysfunctions,
11 healthy functioning, health promotion, and illness
12 prevention, in a supervised clinical placement that
13 provides supervised fieldwork experience within the
14 scope of practice of a marriage, family, and child
15 counselor.

16 (2) On and after January 1, 1995, the practicum shall
17 include a minimum of 150 hours of face-to-face
18 experience counseling individuals, couples, families, or
19 groups.

20 (3) (A) Supervised practicum hours, as specified in
21 this subdivision, shall be evaluated, accepted, and
22 credited as hours for trainee experience by the board.

23 (B) The practicum hours shall be considered as part of
24 the 48 semester or 72 quarter unit requirement.

25 (c) As an alternative to meeting the qualifications
26 specified in subdivision (a), the board shall accept as
27 equivalent degrees, those master's or doctor's degrees
28 granted by educational institutions whose degree
29 program is approved by the Commission on
30 Accreditation for Marriage and Family Therapy
31 Education.

32 (d) All applicants shall, in addition, complete the
33 coursework or training specified in Section 4980.41.

34 (e) All applicants shall be at least 18 years of age.

35 (f) All applicants shall have at least two years'
36 experience that meets the requirements of this chapter
37 in interpersonal relationships, marriage, family, and child
38 counseling and psychotherapy under the supervision of
39 a licensed marriage, family, and child counselor, licensed
40 clinical social worker, licensed psychologist, or a licensed

1 physician certified in psychiatry by the American Board
2 of Psychiatry and Neurology. Experience shall not be
3 gained under the supervision of an individual who has
4 provided therapeutic services to that applicant. For those
5 supervisorial relationships in effect on or before
6 December 31, 1988, and which remain in continuous
7 effect thereafter, experience may be gained under the
8 supervision of a licensed physician who has completed a
9 residency in psychiatry. Any person supervising another
10 person pursuant to this subdivision shall have been
11 licensed or certified for at least two years prior to acting
12 as a supervisor, shall have a current and valid license that
13 is not under suspension or probation, and shall meet the
14 requirements established by regulations.

15 (g) The applicant shall pass a written examination and
16 an oral examination conducted by the board or its
17 designees.

18 (h) The applicant shall not have committed acts or
19 crimes constituting grounds for denial of licensure under
20 Section 480. The board shall not issue a registration or
21 license to any person who has been convicted of any
22 crime in the United States that involves sexual abuse of
23 children or who has been ordered to register as a mentally
24 disordered sex offender or the equivalent in another state
25 or territory.

26 (i) Applicants applying for licensure on or before
27 December 31, 1987, shall possess all of the qualifications
28 specified in subdivisions (e) to (h), inclusive, and shall
29 possess a doctor's or master's degree in marriage, family,
30 and child counseling, social work, clinical psychology,
31 counseling, counseling psychology, child development
32 and family studies, or a degree determined by the board
33 to be equivalent, obtained from a school, college, or
34 university accredited by the Western Association of
35 Schools and Colleges, the Northwest Association of
36 Secondary and Higher Schools, or an essentially
37 equivalent accrediting agency as determined by the
38 board.

39 (j) For applicants applying for a license pursuant to
40 subdivision (i), the board may make a determination that

1 an applicant's master's or doctor's degree is an equivalent
2 degree if it finds that the degree was issued upon
3 completion of a course of academic study primarily
4 designed to train persons as a marriage, family, and child
5 counselor. The course of study completed by the
6 applicant shall contain not less than 30 semester or 45
7 quarter units of coursework as follows: (1) human
8 biological, psychological, and social development, (2)
9 human sexuality, (3) psychopathology, (4) cross-cultural
10 mores and values, (5) theories of marriage, family, and
11 child counseling, (6) professional ethics and law, (7)
12 human communication, (8) research methodology, (9)
13 theories and applications of psychological testing, and
14 (10) not less than six semester or nine quarter units of
15 supervised practicum in applied psychotherapeutic
16 techniques, assessment, diagnosis, prognosis, and
17 treatment of premarital, family, and child relationship
18 dysfunctions. The applicant shall submit to the board
19 satisfactory written verification by the chief academic
20 officer of the accredited or approved school, or by an
21 authorized designee, that the applicant has successfully
22 completed courses, including the practicum required by
23 the board. The verification shall include, but need not be
24 limited to, descriptions of the completed courses. The
25 board may request further written verification of course
26 content and academic experience to determine that the
27 applicant's training and experience is equivalent to the
28 course of instruction required by this section.

29 (k) (1) An applicant applying for intern registration
30 who, prior to December 31, 1987, met the qualifications
31 for registration, but who failed to apply or qualify for
32 intern registration may be granted an intern registration
33 if the applicant meets all of the following criteria:

34 (A) The applicant possesses a doctor's or master's
35 degree in marriage, family, and child counseling, marital
36 and family therapy, psychology, clinical psychology,
37 counseling psychology, counseling with an emphasis in
38 marriage, family, and child counseling, or social work
39 with an emphasis in clinical social work obtained from a
40 school, college, or university currently conferring that

1 degree that, at the time the degree was conferred, was
2 accredited by the Western Association of Schools and
3 Colleges, and where the degree conferred was, at the
4 time it was conferred, specifically intended to satisfy the
5 educational requirements for licensure by the Board of
6 Behavioral Sciences.

7 (B) The applicant's degree and the course content of
8 the instruction underlying that degree have been
9 evaluated by the chief academic officer of a school,
10 college, or university accredited by the Western
11 Association of Schools and Colleges to determine the
12 extent to which the applicant's degree program satisfies
13 the current educational requirements for licensure, and
14 the chief academic officer certifies to the board the
15 amount and type of instruction needed to meet the
16 current requirements.

17 (C) The applicant completes a plan of instruction that
18 has been approved by the board at a school, college, or
19 university accredited by the Western Association of
20 Schools and Colleges that the chief academic officer of the
21 educational institution has, pursuant to subparagraph
22 (B), certified will meet the current educational
23 requirements when considered in conjunction with the
24 original degree.

25 (2) A person applying under this subdivision shall be
26 considered a trainee, as that term is defined in Section
27 4980.03, once he or she is enrolled to complete the
28 additional coursework necessary to meet the current
29 educational requirements for licensure.

30 (I) This section shall become operative on January 1,
31 1997.

32 SEC. 5. Section 4980.80 of the Business and
33 Professions Code is amended to read:

34 4980.80. The board may issue a license to any person
35 who, at the time of application, has held for at least two
36 years a valid license issued by a board of marriage
37 counselor examiners, marriage therapist examiners, or
38 corresponding authority of any state, if the education and
39 supervised experience requirements are substantially the
40 equivalent of this chapter and the person successfully

1 completes the written and oral licensing examinations
2 administered in this state and pays the fees specified.
3 Issuance of the license is further conditioned upon the
4 person's completion of the following coursework or
5 training:

6 (a) A two semester or three quarter unit course in
7 California law and professional ethics for marriage,
8 family, and child counselors which shall include areas of
9 study as specified in Section 4980.41.

10 (b) A minimum of seven contact hours of training or
11 coursework in child abuse assessment and reporting as
12 specified in Section 28, and any regulations promulgated
13 thereunder.

14 (c) A minimum of 10 contact hours of training or
15 coursework in human sexuality, as specified in Section 25,
16 and any regulations promulgated thereunder.

17 (d) A minimum of 15 contact hours of training or
18 coursework in alcoholism and other chemical substance
19 dependency as specified by regulation.

20 (e) Instruction in spousal or partner abuse assessment,
21 detection, and intervention. This instruction may be
22 taken either in fulfillment of other requirements for
23 licensure or in a separate course.

24 (f) With respect to human sexuality and alcoholism
25 and other chemical substance dependency, the board
26 may accept training or coursework acquired out of state.

27 SEC. 6. Section 4980.90 of the Business and
28 Professions Code is amended to read:

29 4980.90. (a) Experience gained outside of California
30 shall be accepted toward the licensure requirements if it
31 is substantially equivalent to that required by this chapter
32 provided that the applicant has gained a minimum of 250
33 hours of supervised experience in direct counseling
34 within California while registered as an intern with the
35 board.

36 (b) Education gained outside of California shall be
37 accepted toward the licensure requirements if it is
38 substantially equivalent to the education requirements of
39 this chapter, provided that the applicant has completed
40 all of the following:

(1) A two semester or three quarter unit course in California law and professional ethics for marriage, family, and child counselors which shall include areas of study as specified in Section 4980.41.

(2) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(3) A minimum of 10 contact hours of training or coursework in sexuality as specified in Section 25, and any regulations promulgated thereunder.

(4) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency as specified by regulation.

(5) Instruction in spousal or partner abuse assessment, detection, and intervention. This instruction may be taken either in fulfillment of other educational requirements for licensure or in a separate course.

(6) With respect to human sexuality and alcoholism and other chemical substance dependency, the board may accept training or coursework acquired out of state.

(c) For purposes of this section, the board may, in its discretion, accept education as substantially equivalent if the applicant has been granted a degree in a single integrated program primarily designed to train marriage, family, and child counselors and if the applicant's education meets the requirements of Sections 4980.37 and 4980.40 provided, however, that the degree title and number of units in the degree program need not be identical to those required by subdivision (a) of Section 4980.40. Where the applicant's degree does not contain the number of units required by subdivision (a) of Section 4980.40, the board may, in its discretion, accept the applicant's education as substantially equivalent if the applicant's degree otherwise complies with this section and the applicant completes the units required by subdivision (a) of Section 4980.40.

SEC. 7. Section 4982.25 of the Business and Professions Code is amended to read:

1 4982.25. The board may deny any application, or may
2 suspend or revoke any license or registration issued under
3 this chapter, for any of the following:

4 (a) Denial of licensure, revocation, suspension,
5 restriction, or any other disciplinary action imposed by
6 another state or territory or possession of the United
7 States, or by any other governmental agency, on a license,
8 certificate, or registration to practice marriage, family,
9 and child counseling, or any other healing art, shall
10 constitute unprofessional conduct. A certified copy of the
11 disciplinary action decision or judgment shall be
12 conclusive evidence of that action.

13 (b) Revocation, suspension, or restriction by the
14 board of a license, certificate, or registration to practice
15 as a clinical social worker or educational psychologist shall
16 also constitute grounds for disciplinary action for
17 unprofessional conduct against the licensee or registrant
18 under this chapter.

19 SEC. 8. Section 4984.1 of the Business and Professions
20 Code is amended to read:

21 4984.1. A license that has expired may be renewed at
22 any time within five years after its expiration on filing an
23 application for renewal on a form prescribed by the board
24 and payment of the renewal fee in effect on the last
25 regular renewal date. If the license is renewed after its
26 expiration, the licensee, as a condition precedent to
27 renewal, shall also pay the delinquency fee prescribed by
28 this chapter.

29 SEC. 9. Section 4984.4 of the Business and Professions
30 Code is amended to read:

31 4984.4. A license that is not renewed within five years
32 after its expiration may not be renewed, restored,
33 reinstated, or reissued thereafter, but the licensee may
34 apply for and obtain a new license if:

35 (a) No fact, circumstance, or condition exists that, if
36 the license were issued, would justify its revocation or
37 suspension.

38 (b) He or she pays the fees that would be required if
39 he or she were applying for a license for the first time.

1 (c) He or she takes and passes the current licensing
2 examinations.

3 SEC. 10. Section 4984.7 of the Business and
4 Professions Code is amended to read:

5 4984.7. The amount of the fees prescribed by this
6 chapter that relate to licensing of persons to engage in the
7 business of marriage, family and child counseling is that
8 established by the following schedule:

9 (a) The fee for applications for examination received
10 on or after January 1, 1987, shall be one hundred dollars
11 (\$100).

12 (b) The fee for issuance of the initial license shall be a
13 maximum of one hundred eighty dollars (\$180).

14 (c) For those persons whose license expires on or after
15 January 1, 1996, the renewal fee shall be a maximum of
16 one hundred eighty dollars (\$180).

17 (d) The delinquency fee shall be ninety dollars (\$90).
18 Any person who permits his or her license to become
19 delinquent may have it restored only upon the payment
20 of all fees that he or she would have paid if the license had
21 not become delinquent, plus the payment of any and all
22 outstanding delinquency fees.

23 (e) For those persons registering as interns on or after
24 January 1, 1996, the registration fee shall be ninety dollars
25 (\$90).

26 (f) For those persons whose registration as an intern
27 expires on or after January 1, 1996, the renewal fee shall
28 be seventy-five dollars (\$75).

29 (g) The written examination fee shall be one hundred
30 dollars (\$100). After successfully passing the written
31 examination, each applicant for oral examination shall
32 submit two hundred dollars (\$200). Applicants failing to
33 appear for any examination, once having been scheduled,
34 shall forfeit any examination fees paid.

35 (h) An applicant who fails any written or oral
36 examination may within one year from the notification
37 date of that failure, retake the examination as regularly
38 scheduled without further application upon payment of
39 one hundred dollars (\$100) for the written reexamination
40 and two hundred dollars (\$200) for the oral

1 reexamination. Thereafter, the applicant shall not be
2 eligible for further examination until he or she files a new
3 application, meets all current requirements, and pays all
4 fees required. Persons failing to appear for the
5 reexamination, once having been scheduled, shall forfeit
6 any reexamination fees paid.

7 (i) The fee for rescoring a written examination shall be
8 twenty dollars (\$20). The fee for appeal of an oral
9 examination shall be one hundred dollars (\$100).

10 (j) The fee for issuance of any replacement
11 registration, license, or certificate shall be twenty dollars
12 (\$20).

13 (k) The fee for issuance of a certificate or letter of good
14 standing shall be twenty-five dollars (\$25).

15 SEC. 11. Section 4984.8 is added to the Business and
16 Professions Code, to read:

17 4984.8. A licensed marriage, family and child
18 counselor may apply to the board to request that his or
19 her license be placed on inactive status. Licensees who
20 hold an inactive license shall pay a biennial fee of half of
21 the active renewal fee. Licensees holding an inactive
22 license shall be exempt from continuing education
23 requirements specified in Section 4980.54, but shall
24 otherwise be subject to this chapter and shall not engage
25 in the practice of marriage, family and child counseling
26 in this state. Licensees on inactive status who have not
27 committed any acts or crimes constituting grounds for
28 denial of licensure and have completed any required
29 continuing education equivalent to that required for a
30 single renewal period may, upon their request, have their
31 license to practice marriage, family and child counseling
32 placed on active status. Licensees requesting their license
33 be placed on active status at any time between a renewal
34 cycle shall pay the remaining half of their renewal fee.

35 SEC. 12. Section 4986.41 is added to the Business and
36 Professions Code, to read:

37 4986.41. A licensee shall display his or her license in a
38 conspicuous place in the licensee's primary place of
39 practice.

1 SEC. 13. Section 4986.70 of the Business and
2 Professions Code is amended to read:

3 4986.70. The board may refuse to issue a license, or
4 may suspend or revoke the license of any licensee if he or
5 she has been guilty of unprofessional conduct which has
6 endangered or is likely to endanger the health, welfare,
7 or safety of the public. Unprofessional conduct includes,
8 but is not limited to, the following:

9 (a) Conviction of a crime substantially related to the
10 qualifications, functions and duties of an educational
11 psychologist, the record of conviction being conclusive
12 evidence thereof.

13 (b) Securing a license by fraud or deceit.

14 (c) Using any narcotic as defined in Division 10
15 (commencing with Section 11000) of the Health and
16 Safety Code or any hypnotic drug or alcoholic beverage
17 to an extent or in a manner dangerous to himself or
18 herself, or to any other person, or to the public and to an
19 extent that such action impairs his or her ability to
20 perform his or her work as a licensed educational
21 psychologist with safety to the public.

22 (d) Improper advertising.

23 (e) Violating or conspiring to violate the terms of this
24 article.

25 (f) Committing a dishonest or fraudulent act as a
26 licensed educational psychologist resulting in substantial
27 injury to another.

28 (g) Denial of licensure, revocation, suspension,
29 restriction, or any other disciplinary action imposed by
30 another state or territory or possession of the United
31 States, or by any other governmental agency, on a license,
32 certificate, or registration to practice educational
33 psychology or any other healing art, shall constitute
34 unprofessional conduct. A certified copy of the
35 disciplinary action, decision, or judgment shall be
36 conclusive evidence of that action.

37 (h) Revocation, suspension, or restriction by the board
38 of a license, certificate, or registration to practice as a
39 clinical social worker or marriage, family and child
40 counselor shall constitute grounds for disciplinary action

1 for unprofessional conduct against the licensee or
2 registrant under this chapter.

3 SEC. 14. Section 4986.80 of the Business and
4 Professions Code is amended to read:

5 4986.80. The amount of the fees prescribed by this
6 chapter that relate to the licensing of educational
7 psychologists is that established by the following
8 schedule:

9 (a) Persons applying for an original license after July
10 1, 1986, shall pay an application fee of one hundred dollars
11 (\$100).

12 (b) The fee for issuance of the initial license shall be a
13 maximum of one hundred fifty dollars (\$150).

14 (c) Persons whose license expires after January 1, 1991,
15 shall pay a renewal fee of a maximum of one hundred fifty
16 dollars (\$150).

17 (d) The delinquency fee shall be seventy-five dollars
18 (\$75). Any person who permits his or her license to
19 become delinquent may have it restored only upon the
20 payment of all fees that he or she would have paid if the
21 license had not become delinquent, plus the payment of
22 any and all delinquency fees.

23 (e) The written examination fee shall be one hundred
24 dollars (\$100). After successfully passing the written
25 examination, each applicant for oral examination shall
26 submit two hundred dollars (\$200). Applicants failing to
27 appear for any examination, once having been scheduled,
28 shall forfeit any examination fees paid.

29 (f) The fee for each reexamination shall be the fee for
30 each examination specified in subdivision (e). An
31 applicant who has failed the written or oral examination
32 may within one year from the notification date of failure,
33 retake that examination as regularly scheduled without
34 further application. Thereafter, the applicant shall not be
35 eligible for further examination until he or she files a new
36 application, meets all current requirements, and pays all
37 fees required. Persons failing to appear for
38 reexamination, once having been scheduled, shall forfeit
39 any reexamination fees paid.

1 (g) The fee for rescoring a written examination shall
2 be twenty dollars (\$20). The fee for appeal of an oral
3 examination shall be one hundred dollars (\$100).

4 (h) The fee for issuance of any replacement
5 registration, license, or certificate shall be twenty dollars
6 (\$20).

7 (i) The fee for issuance of a certificate or letter of good
8 standing shall be twenty-five dollars (\$25).

9 SEC. 15. Section 4986.82 is added to the Business and
10 Professions Code, to read:

11 4986.82. A licensed educational psychologist may
12 apply to the board to request that his or her license be
13 placed on inactive status. Licensees who hold an inactive
14 license shall pay a biennial fee of half of the active renewal
15 fee. Licensees shall be subject to this chapter and shall not
16 engage in the practice of educational psychology in this
17 state. Licensees on inactive status who have not
18 committed any acts or crimes constituting grounds for
19 denial of licensure may, upon their request, have their
20 license to practice educational psychology placed on
21 active status. Licensees requesting their license be placed
22 on active status between renewal cycles shall pay the
23 remaining half of their renewal fee.

24 SEC. 16. Section 4992.36 of the Business and
25 Professions Code is amended to read:

26 4992.36. The board may deny any application, or may
27 suspend or revoke any license or registration issued under
28 this chapter, for any of the following:

29 (a) Denial of licensure, revocation, suspension,
30 restriction, or any other disciplinary action imposed by
31 another state or territory of the United States, or by any
32 other governmental agency, on a license, certificate, or
33 registration to practice clinical social work or any other
34 healing art shall constitute grounds for disciplinary action
35 for unprofessional conduct. A certified copy of the
36 disciplinary action decision or judgment shall be
37 conclusive evidence of that action.

38 (b) Revocation, suspension, or restriction by the
39 board of a license, certificate, or registration to practice
40 marriage, family, and child counseling, or educational



1 psychology against a licensee or registrant shall also
2 constitute grounds for disciplinary action for
3 unprofessional conduct under this chapter.

4 SEC. 17. Section 4996.3 of the Business and
5 Professions Code is amended to read:

6 4996.3. (a) Each application for written examination
7 received on or after January 1, 1999, shall be accompanied
8 by an application fee of one hundred dollars (\$100) and
9 a fee of up to one hundred fifty dollars (\$150), including
10 the examination fee and related administrative costs for
11 the written examination. After successfully passing the
12 written examination, each applicant shall submit two
13 hundred dollars (\$200) for the oral examination.
14 Applicants failing to appear for any examination, once
15 having been scheduled, shall forfeit any examination fees
16 paid.

17 (b) The fee for rescoring a written examination shall
18 be twenty dollars (\$20). The fee for an appeal of an oral
19 examination shall be one hundred dollars (\$100).

20 (c) The fee for issuance of the initial license shall be a
21 maximum of one hundred fifty-five dollars (\$155).

22 SEC. 18. Section 4996.4 of the Business and
23 Professions Code is amended to read:

24 4996.4. Notwithstanding Section 4996.3, an applicant
25 who has failed the written examination may apply for
26 reexamination upon payment of the fee of up to one
27 hundred fifty dollars (\$150) including the examination
28 fee and related administrative costs and an applicant who
29 has failed the oral examination may apply for
30 reexamination upon payment of the fee of two hundred
31 dollars (\$200). An applicant who fails any written or oral
32 examination may within one year from the notification
33 date of failure, retake that examination as regularly
34 scheduled, without further application, upon payment of
35 the required examination fees. Thereafter, the applicant
36 shall not be eligible for further examination until he or she
37 files a new application, meets all current requirements,
38 and pays all fees required. Applicants failing to appear for
39 reexamination, once having been scheduled, shall forfeit
40 any reexamination fees paid.

1 SEC. 19. Section 4996.6 of the Business and
2 Professions Code is amended to read:

3 4996.6. (a) The renewal fee for licenses that expire
4 on or after January 1, 1996, shall be a maximum of one
5 hundred fifty-five dollars (\$155) and shall be collected on
6 a biennial basis by the board in accordance with Section
7 152.6. The fees shall be deposited in the State Treasury to
8 the credit of the Behavioral Sciences Fund.

9 (b) If the license is renewed after its expiration, the
10 licensee shall, as a condition precedent to renewal, also
11 pay a delinquency fee of seventy-five dollars (\$75).

12 Any person who permits his or her license to become
13 delinquent may have it restored at any time within five
14 years after its expiration upon the payment of all fees that
15 he or she would have paid if the license had not become
16 delinquent, plus the payment of all delinquency fees.

17 A license that is not renewed within five years after its
18 expiration may not be renewed, restored, reinstated, or
19 reissued thereafter, however the licensee may apply for
20 and obtain a new license if:

21 (1) No fact, circumstance, or condition exists that, if
22 the license were issued, would justify its revocation or
23 suspension.

24 (2) He or she pays the fees that would be required if
25 he or she were applying for a license for the first time.

26 (3) He or she takes and passes the current licensing
27 examinations.

28 (c) The fee for issuance of any replacement
29 registration, license, or certificate shall be twenty dollars
30 (\$20).

31 (d) The fee for issuance of a certificate or letter of good
32 standing shall be twenty-five dollars (\$25).

33 SEC. 20. Section 4996.7 of the Business and
34 Professions Code is amended to read:

35 4996.7. A licensee shall display his or her license in a
36 conspicuous place in the licensee's primary place of
37 practice.

38 SEC. 21. Section 4996.18 of the Business and
39 Professions Code is amended to read:

1 4996.18. (a) Any person who wishes to be credited
2 with experience toward licensure requirements shall
3 register with the board as an associate clinical social
4 worker prior to obtaining that experience. The
5 application shall be made on a form prescribed by the
6 board and shall be accompanied by a fee of ninety dollars
7 (\$90). An applicant for registration shall (1) possess a
8 master's degree from an accredited school or department
9 of social work; and (2) not have committed any crimes or
10 acts constituting grounds for denial of licensure under
11 Section 480. On and after January 1, 1993, an applicant
12 who possesses a master's degree from a school or
13 department of social work that is a candidate for
14 accreditation by the Commission on Accreditation of the
15 Council on Social Work Education shall be eligible, and
16 shall be required, to register as an associate clinical social
17 worker in order to gain experience toward licensure if the
18 applicant has not committed any crimes or acts that
19 constitute grounds for denial of licensure under Section
20 480. That applicant shall not, however, be eligible for
21 examination until the school or department of social work
22 has received accreditation by the Commission on
23 Accreditation of the Council on Social Work Education.

24 (b) Registration as an associate clinical social worker
25 shall expire one year from the last day of the month
26 during which it was issued. A registration may be
27 renewed annually after initial registration by filing an
28 application for renewal and paying a renewal fee of
29 seventy-five dollars (\$75) on or before the date on which
30 the registration expires. Each person who registers or has
31 registered as an associate clinical social worker, may
32 retain that status for a total of six years.

33 (c) Notwithstanding the limitations on the length of
34 an associate registration in subdivision (b), an associate
35 may apply for, and the board shall grant, one-year
36 extensions beyond the six-year period when no grounds
37 exist for denial, suspension, or revocation of the
38 registration pursuant to Section 480. An associate shall be
39 eligible to receive a maximum of three one-year
40 extensions. An associate who practices pursuant to an

1 extension shall not practice independently and shall
2 comply with all requirements of this chapter governing
3 experience, including supervision, even if the associate
4 has completed the hours of experience required for
5 licensure. Each extension shall commence on the date
6 when the last associate renewal or extension expires. An
7 application for extension shall be made on a form
8 prescribed by the board and shall be accompanied by a
9 renewal fee of fifty dollars (\$50). An associate who is
10 granted this extension may work in all work settings
11 authorized pursuant to this chapter.

12 (d) Experience gained before January 1, 1990, shall be
13 credited toward the licensure requirements so long as the
14 applicant applies for registration not later than
15 December 31, 1989, and that registration is thereafter
16 granted by the board.

17 (e) A registrant shall not provide clinical social work
18 services to the public for a fee, monetary or otherwise,
19 except as an employee of the licensed person by whom
20 the registrant is being supervised.

21 (f) Within 30 days of employment or termination of
22 employment, a registrant employed by a person who
23 meets the requirements of subdivision (b) of Section
24 4996.20 shall notify the board in writing of the
25 employment or termination of employment. The notice
26 shall include the name of the registrant, the full name and
27 business address of the employer, the employer's license
28 number, and the date employment commenced or
29 terminated. If a registrant fails to notify the board within
30 30 days after the date of his or her employment or
31 termination of employment, the board shall not accept
32 any hours of experience gained during that period for the
33 purposes of meeting the experience requirements for
34 licensure.

35 (g) A registrant shall inform each client or patient
36 prior to performing any professional services that he or
37 she is unlicensed and is under the supervision of a licensed
38 professional.

39 (h) Any experience obtained under the supervision of
40 a spouse or relative by blood or marriage shall not be



1 credited toward the required hours of supervised
2 experience. Any experience obtained under the
3 supervision of a supervisor with whom the applicant has
4 a personal relationship that undermines the authority or
5 effectiveness of the supervision shall not be credited
6 toward the required hours of supervised experience.

7 (i) An applicant who possesses a master's degree from
8 an approved school or department of social work shall be
9 able to apply experience the applicant obtained during
10 the time the approved school or department was in
11 candidacy status by the Commission on Accreditation of
12 the Council on Social Work Education toward the
13 licensure requirements, if the experience meets the
14 requirements of Section 4996.20. This subdivision shall
15 apply retroactively to persons who possess a master's
16 degree from an approved school or department of social
17 work and who obtained experience during the time the
18 approved school or department was in candidacy status
19 by the Commission on Accreditation of the Council on
20 Social Work Education.

21 SEC. 22. Section 4997 is added to the Business and
22 Professions Code, to read:

23 4997. A licensed clinical social worker may apply to
24 the board to request that his or her license be placed on
25 inactive status. Licensees who hold an inactive license
26 shall pay a biennial fee of half of the active renewal fee.
27 Licensees holding an inactive license shall be exempt
28 from continuing education requirements specified in
29 Section 4996.22, but shall otherwise be subject to this
30 chapter and shall not engage in the practice of licensed
31 clinical social work in this state. Licensees on inactive
32 status who have not committed any acts or crimes
33 constituting grounds for denial of licensure and have
34 completed any required continuing education equivalent
35 to that required for a single renewal period may, upon
36 their request, have their license to practice licensed
37 clinical social work placed on active status. Licensees
38 requesting their license be placed on active status
39 between renewal cycles shall pay the remaining half of
40 their renewal fee.

1 SEC. 22.1. Section 5615 of the Business and
2 Professions Code is amended to read:

3 5615. As used in this chapter:

4 “Landscape architect” means a person who holds a
5 license to practice landscape architecture in this state
6 under the authority of this chapter.

7 A person who practices landscape architecture within
8 the meaning and intent of this article is a person who
9 performs professional services, for the purpose of
10 landscape preservation, development and enhancement,
11 such as consultation, investigation, reconnaissance,
12 research, planning, design, preparation of drawings,
13 construction documents and specifications, and
14 responsible construction observation. Landscape
15 preservation, development and enhancement is the
16 dominant purpose of services provided by landscape
17 architects. Implementation of that purpose includes: (1)
18 the preservation and aesthetic and functional
19 enhancement of land uses and natural land features; (2)
20 the location and construction of aesthetically pleasing
21 and functional approaches and settings for structures and
22 roadways; and, (3) design for trails and pedestrian
23 walkway systems, plantings, landscape irrigation,
24 landscape lighting, landscape grading and landscape
25 drainage.

26 Landscape architects perform professional work in
27 planning and design of land for human use and
28 enjoyment. Based on analysis of environmental physical
29 and social characteristics, and economic considerations,
30 they produce overall plans and landscape project designs
31 for integrated land use.

32 The practice of a landscape architect may, for the
33 purpose of landscape preservation, development and
34 enhancement, include: investigation, selection, and
35 allocation of land and water resources for appropriate
36 uses; feasibility studies; formulation of graphic and
37 written criteria to govern the planning and design of land
38 construction programs; preparation review, and analysis
39 of master plans for land use and development; production
40 of overall site plans, landscape grading and landscape

1 drainage plans, irrigation plans, planting plans, and
2 construction details; specifications; cost estimates and
3 reports for land development; collaboration in the design
4 of roads, bridges, and structures with respect to the
5 functional and aesthetic requirements of the areas on
6 which they are to be placed; negotiation and
7 arrangement for execution of land area projects; field
8 observation and inspection of land area construction,
9 restoration, and maintenance.

10 This practice shall include the location, arrangement,
11 and design of those tangible objects and features as are
12 incidental and necessary to the purposes outlined herein.
13 Nothing herein shall preclude a duly licensed landscape
14 architect from planning the development of land areas
15 and elements used thereon or from performing any of the
16 services described in this section in connection with the
17 settings, approaches, or environment for buildings,
18 structures, or facilities, in accordance with the accepted
19 public standards of health, safety, and welfare.

20 This chapter shall not empower a landscape architect,
21 licensed under this chapter, to practice, or offer to
22 practice, architecture or engineering in any of its various
23 recognized branches.

24 SEC. 22.2. Section 5616 of the Business and
25 Professions Code is amended to read:

26 5616. Any licensed landscape architect who agrees to
27 provide professional services pursuant to this chapter
28 shall provide every customer with a detailed written
29 contract. That written contract shall include, but not be
30 limited to, all of the following:

31 (a) A full description of services to be rendered by the
32 landscape architect.

33 (b) A list of any consultants who may be utilized under
34 the contract.

35 (c) The date of completion of the work to be
36 performed under the contract.

37 (d) The total price that is required to complete the
38 contract which fully discloses one of the following:

39 (1) The amount of the lump sum of the services.

1 (2) The hourly fee, not to exceed an expressed
2 amount.

3 (3) The percentage of the construction costs used in
4 computing the total price.

5 (4) Any other method of payment agreed to by both
6 parties.

7 (e) A notice in prominent type which reads:
8 “LANDSCAPE ARCHITECTS ARE REGULATED BY
9 THE STATE OF CALIFORNIA. ANY QUESTIONS
10 CONCERNING A LANDSCAPE ARCHITECT MAY BE
11 REFERRED TO THE LANDSCAPE ARCHITECT
12 TECHNICAL COMMITTEE AT:

13 LANDSCAPE ARCHITECTS TECHNICAL
14 COMMITTEE

15 400 R Street, Suite 4000

16 SACRAMENTO, CA. 95814

17 (916)445-4954”

18 (f) The name, address, and license number of the
19 landscape architect.

20 (g) A description of the procedure that the landscape
21 architect and client will use to accommodate additional
22 services.

23 SEC. 22.3. Section 5621 of the Business and
24 Professions Code is amended to read:

25 5621. (a) There is hereby created within the
26 jurisdiction of the board, a Landscape Architects
27 Technical Committee, hereinafter referred to in this
28 chapter as the landscape architects committee.

29 (b) The landscape architects committee shall consist
30 of five members who shall be licensed to practice
31 landscape architecture in this state. The Governor shall
32 appoint three of the members. The Senate Committee on
33 Rules and the Speaker of the Assembly shall appoint one
34 member each.

35 (c) The initial members to be appointed by the
36 Governor are as follows: one member for a term of one
37 year; one member for a term of two years; one member
38 for a term of three years. The Senate Committee on Rules
39 and the Speaker of the Assembly shall initially each
40 appoint one member for a term of four years. Thereafter,

1 appointments shall be made for four-year terms, expiring
2 on June 1 of the fourth year and until the appointment
3 and qualification of his or her successor or until one year
4 shall have elapsed whichever first occurs. Vacancies shall
5 be filled for the unexpired term.

6 (d) No person shall serve as a member of the landscape
7 architects committee for more than two consecutive
8 terms.

9 (e) This section shall become inoperative on July 1,
10 2004, and as of January 1, 2005, is repealed, unless a later
11 enacted statute, that becomes operative on or before
12 January 1, 2005, deletes or extends the dates on which it
13 becomes inoperative and is repealed.

14 SEC. 22.4. Section 5622 of the Business and
15 Professions Code is amended to read:

16 5622. (a) The landscape architects committee may
17 assist the board in the examination of candidates for a
18 landscape architect's license and, after investigation,
19 evaluate and make recommendations regarding
20 potential violations of this chapter.

21 (b) The landscape architects committee may
22 investigate, assist, and make recommendations to the
23 board regarding the regulation of landscape architects in
24 this state.

25 (c) The landscape architects committee may perform
26 such duties and functions that have been delegated to it
27 by the board pursuant to Section 5620.

28 (d) The landscape architects committee may send a
29 representative to all meetings of the full board to report
30 on the committee's activities.

31 (e) This section shall become inoperative on July 1,
32 2004, and, as of January 1, 2005, is repealed, unless a later
33 enacted statute, that becomes operative on or before
34 January 1, 2005, deletes or extends the date on which it
35 becomes inoperative and is repealed.

36 SEC. 22.5. Section 5624 of the Business and
37 Professions Code is amended to read:

38 5624. Each member of the landscape architects
39 committee shall receive per diem and expenses, as
40 provided in Section 103.

1 SEC. 22.6. Section 5626 of the Business and
2 Professions Code is amended to read:

3 5626. The executive officer shall keep an accurate
4 record of all proceedings of the landscape architects
5 committee.

6 SEC. 22.7. Section 5629 of the Business and
7 Professions Code is amended to read:

8 5629. The board shall prosecute all persons guilty of
9 violating the provisions of this chapter. Except as
10 provided in Section 159.5, the board may employ
11 inspectors, special agents, investigators, and clerical
12 assistance as it may deem necessary to carry out the
13 provisions of this chapter. It may fix the compensation to
14 be paid for those services and incur any additional
15 expense as may be deemed necessary.

16 SEC. 22.8. Section 5630 of the Business and
17 Professions Code is amended to read:

18 5630. The board may, in accordance with the
19 provisions of the Administrative Procedure Act, adopt,
20 amend, or repeal such rules and regulations as are
21 reasonably necessary to:

22 (a) Govern the examinations of applicants for licenses
23 to practice landscape architecture.

24 (b) Establish criteria for approving schools of
25 landscape architecture.

26 (c) Establish rules or professional conduct that are not
27 inconsistent with state or federal law. Every person who
28 holds a license issued by the board shall be governed and
29 controlled by these rules.

30 (d) Carry out the provisions of this chapter.

31 SEC. 22.9. Section 5640 of the Business and
32 Professions Code is amended to read:

33 5640. It is a misdemeanor, punishable by a fine of not
34 less than fifty dollars (\$50) nor more than five hundred
35 dollars (\$500) or by imprisonment in the county jail not
36 exceeding six months, or by both such fine and
37 imprisonment, for any person, who, without possessing a
38 valid, unrevoked license as provided in this chapter,
39 engages in the practice of landscape architecture or uses
40 the title or term "Landscape Architect" in any sign, card,

1 listing, advertisement, or in any other manner that would
2 imply or indicate that he is a landscape architect as
3 defined in Section 5615.

4 SEC. 22.10. Section 5641 of the Business and
5 Professions Code is amended to read:

6 5641. This chapter shall not be deemed to prohibit any
7 person from making plans or drawings for the selection,
8 placement, or use of plants when the execution of such
9 plans or drawings does not affect the public health, safety
10 and welfare.

11 This chapter shall not be deemed to prohibit any
12 person from making any plans, drawings or specifications
13 for any property owned by that person.

14 Every person who holds a valid license issued by the
15 State of California, under the provisions of Chapter 1
16 (commencing with Section 6721) of the Food and
17 Agricultural Code, authorizing engagement in the
18 business of selling nursery stock in this state, may engage
19 in the preparation of plans or drawings as an adjunct to
20 merchandising nursery stock and related products, but
21 may not use the title of landscape architect. That activity
22 is exempt from licensure under the provisions of this
23 chapter.

24 SEC. 22.11. Section 5642 of the Business and
25 Professions Code is amended to read:

26 5642. This chapter shall not be deemed to prevent a
27 landscape architect from forming a partnership, firm, or
28 corporation with, or employing, persons who are not
29 landscape architects if the signature, date, and license
30 number of the landscape architect appears on all
31 instruments of service. In no case shall the other members
32 of the partnership, firm, or corporation be designated or
33 described as landscape architects.

34 The name of the licensed landscape architect shall
35 appear wherever the firm name is used in the professional
36 practice of the partnership, firm, or corporation, and the
37 landscape architect shall reside in California when the
38 partnership, firm, or corporation maintains a California
39 office or mailing address. The name of the licensee shall
40 appear on all partnership, firm, or corporation stationery,

1 brochures, business cards and any instruments of service
2 used or provided in the professional practice of the
3 partnership, firm, or corporation.

4 No partnership, firm, or corporation shall engage in the
5 practice of landscape architecture unless the work is
6 under the immediate and responsible direction of a
7 licensee of the board. The partnership, firm, or
8 corporation may operate California branch offices
9 providing that each branch office has in it a resident
10 landscape architect licensed under this chapter for
11 services provided, which shall be the licensee's principal
12 place of business. Offices established to observe
13 construction for conformance with contract documents
14 and design, are exempt from the provisions of this section.
15 The name of the licensee shall appear whenever the
16 partnership, firm, or corporation name is used in the
17 professional practice of the partnership, firm, or
18 corporation.

19 Failure of any person to comply with this section
20 constitutes a ground for disciplinary action.

21 SEC. 22.12. Section 5644 of the Business and
22 Professions Code is amended to read:

23 5644. Any person who holds a valid state license or
24 other authority that authorizes the person to engage in a
25 business or occupation, insofar as the person engages in
26 a professional, occupational, or business activity within
27 the scope of that license or other authority, shall not be
28 required to be licensed under this chapter.

29 SEC. 22.13. Section 5652 of the Business and
30 Professions Code is amended to read:

31 5652. If the applicant's examination is satisfactory,
32 and upon the payment of the license fee fixed by this
33 chapter, the executive officer shall issue a license to the
34 applicant showing that the person named therein is
35 entitled to practice landscape architecture in this state, in
36 accordance with the provisions of this chapter.

37 SEC. 22.14. Section 5653 of the Business and
38 Professions Code is amended to read:

39 5653. The board may deny or refuse to issue a license
40 to an applicant upon proof of the commission by the

1 applicant of any act or omission which would constitute
2 grounds for disciplinary action under this chapter if
3 committed by a licensee.

4 SEC. 22.15. Section 5654 of the Business and
5 Professions Code is amended to read:

6 5654. The board shall keep a record of the names and
7 addresses of all licenseholders and such additional
8 personal data as the board may require. A proper index
9 and record of each license issued shall be kept by the
10 board.

11 SEC. 22.16. Section 5655 of the Business and
12 Professions Code is amended to read:

13 5655. Licenses to practice landscape architecture
14 shall remain in full force until revoked or suspended for
15 cause, or until they expire, as provided in this chapter.

16 SEC. 22.17. Section 5656 of the Business and
17 Professions Code is amended to read:

18 5656. A duplicate license to practice landscape
19 architecture in place of one which has been lost,
20 destroyed, or mutilated shall be issued upon proper
21 application, subject to the rules and regulations of the
22 board. A duplicate license fee fixed by this chapter shall
23 be charged for the issuance of the duplicate license.

24 SEC. 22.18. Section 5657 of the Business and
25 Professions Code is amended to read:

26 5657. Each licenseholder shall notify the executive
27 officer of the board of any change of address of his or her
28 place of business. A penalty as provided in this chapter
29 shall be paid by a licenseholder who fails to notify the
30 board within 30 days after a change of address.

31 SEC. 22.19. Section 5659 of the Business and
32 Professions Code is amended to read:

33 5659. Each person licensed under this chapter shall
34 sign and date all plans, specifications, and other
35 instruments of service and contracts therefor, prepared
36 for others. In addition to the signature and date, all final
37 landscape architectural plans, specifications, and other
38 instruments of service and contracts therefor shall bear
39 the landscape architect's license number and the renewal
40 date of his or her license. Failure to comply with this

1 section constitutes a ground for disciplinary action. Each
2 person licensed under this chapter may, upon licensure,
3 obtain a stamp of the design authorized by the board,
4 bearing his or her name, license number, the renewal
5 date of the license and the legend “landscape architect”
6 and the legend “State of California.”

7 SEC. 22.20. Section 5660 of the Business and
8 Professions Code is amended to read:

9 5660. The board may upon its own motion, and shall
10 upon the verified complaint in writing of any person,
11 investigate the actions of any landscape architect, and
12 may suspend for a period not exceeding one year, or
13 revoke, the license of any landscape architect who is
14 guilty of any one or more of the acts or omissions
15 constituting grounds for disciplinary action under the
16 chapter.

17 SEC. 22.21. Section 5662 of the Business and
18 Professions Code is amended to read:

19 5662. All proceedings for the suspension or revocation
20 of licenses under this chapter shall be conducted in
21 accordance with the provisions of Chapter 5 of Part 1 of
22 Division 3 of Title 2 of the Government Code. The board
23 shall have all of the powers granted therein.

24 SEC. 22.22. Section 5665 of the Business and
25 Professions Code is amended to read:

26 5665. A suspended license is subject to expiration and
27 shall be renewed as provided in this article, but such
28 renewal does not entitle the holder of the license, while
29 it remains suspended and until it is reinstated, to engage
30 in the activity to which the license relates, or in any other
31 activity or conduct in violation of the order or judgment
32 by which it was suspended.

33 A revoked license is subject to expiration as provided
34 in this chapter, but it may not be renewed. If it is
35 reinstated after its expiration, the holder of the license, as
36 a condition precedent to its reinstatement, shall pay a
37 reinstatement fee in an amount equal to the renewal fee
38 in effect on the last regular renewal date before the date
39 on which it is reinstated, plus the delinquency fee, if any,
40 accrued at the time of its revocation.

1 SEC. 22.23. Section 5666 of the Business and
2 Professions Code is amended to read:

3 5666. The fact that the holder of a license is practicing
4 in violation of the provisions of this chapter constitutes a
5 ground for disciplinary action.

6 SEC. 22.24. Section 5667 of the Business and
7 Professions Code is amended to read:

8 5667. The fact that the holder of a license has obtained
9 the license by fraud or misrepresentation, or that the
10 person named in the license has obtained it by fraud or
11 misrepresentation constitutes a ground for disciplinary
12 action.

13 SEC. 22.25. Section 5668 of the Business and
14 Professions Code is amended to read:

15 5668. The fact that the holder of a license is
16 impersonating a landscape architect or former landscape
17 architect of the same or similar name, or is practicing
18 under an assumed, fictitious or corporate name,
19 constitutes a ground for disciplinary action.

20 SEC. 22.26. Section 5669 of the Business and
21 Professions Code is amended to read:

22 5669. The fact that the holder of a license has aided or
23 abetted in the practice of landscape architecture, any
24 person not authorized to practice landscape architecture
25 under the provisions of this chapter, constitutes a ground
26 for disciplinary action.

27 SEC. 22.27. Section 5670 of the Business and
28 Professions Code is amended to read:

29 5670. The fact that, in the practice of landscape
30 architecture, the holder of a license has been guilty of
31 fraud or deceit constitutes a ground for disciplinary
32 action.

33 SEC. 22.28. Section 5671 of the Business and
34 Professions Code is amended to read:

35 5671. The fact that, in the practice of landscape
36 architecture, the holder of a license has been guilty of
37 negligence or willful misconduct constitutes a ground for
38 disciplinary action.

39 SEC. 22.29. Section 5672 of the Business and
40 Professions Code is amended to read:

1 5672. The fact that the holder of a license has been
2 guilty of gross incompetence constitutes a ground for
3 disciplinary action.

4 SEC. 22.30. Section 5673 of the Business and
5 Professions Code is amended to read:

6 5673. The fact that the holder of a license has affixed
7 his or her signature, or his or her stamp, or has permitted
8 the use of his or her name to or on plans, drawings,
9 specifications or other instruments of service which have
10 not been prepared by him or her or under his or her
11 immediate and responsible direction, or has permitted
12 his or her name or his or her signature or his or her stamp
13 to be used for the purpose of assisting any person, not a
14 landscape architect, to evade the provisions of this
15 chapter, constitutes a ground for disciplinary action.

16 SEC. 22.31. Section 5675.5 is added to the Business and
17 Professions Code, to read:

18 5675.5. The fact that the holder of a license has had
19 disciplinary action taken by any public agency for any act
20 substantially related to the qualifications, functions, or
21 duties as a landscape architect constitutes a ground for
22 disciplinary action.

23 SEC. 22.32. Section 5676 of the Business and
24 Professions Code is amended to read:

25 5676. A plea or verdict of guilty or a conviction
26 following a plea of nolo contendere made to a charge of
27 a felony is deemed to be a conviction within the meaning
28 of this article. The board may order the license suspended
29 or revoked, or may decline to issue a license, when the
30 time for appeal has elapsed, or the judgment of conviction
31 has been affirmed on appeal or when an order granting
32 probation is made suspending the imposition of sentence,
33 irrespective of a subsequent order under the provisions
34 of Section 1203.4 of the Penal Code allowing such person
35 to withdraw his plea of guilty and to enter a plea of not
36 guilty, or setting aside the verdict of guilty, or dismissing
37 the accusation, information or indictment.

38 SEC. 22.33. Section 5677 of the Business and
39 Professions Code is repealed.

1 SEC. 22.34. Section 5678 of the Business and
2 Professions Code is repealed.

3 SEC. 22.35. Section 5678.5 of the Business and
4 Professions Code is amended to read:

5 5678.5. Every insurer providing professional liability
6 insurance to a holder of a license, and every
7 licenseholder, shall send a complete report to the board
8 on any settlement or arbitration award in excess of five
9 thousand dollars (\$5,000) of a claim or action for damages
10 caused by the licenseholder's fraud, deceit, negligence,
11 incompetency, or recklessness in practice. The report
12 shall be sent within 30 days after the settlement
13 agreement has been consented to by the insured or
14 within 30 days after service of the arbitration award on
15 the parties.

16 SEC. 22.36. Section 5679 of the Business and
17 Professions Code is repealed.

18 SEC. 22.37. Section 5679.5 of the Business and
19 Professions Code is amended to read:

20 5679.5. Every settlement or arbitration award in
21 excess of five thousand dollars (\$5,000) of a claim or action
22 for damages caused by the licenseholder's fraud, deceit,
23 negligence, incompetency, or recklessness in practice
24 when the licenseholder does not possess professional
25 liability insurance as to the claim shall, within 30 days
26 after any settlement agreement has been consented to by
27 the licenseholder or 30 days after service of the
28 arbitration award on the parties, be reported to the board.
29 A complete report shall be made by appropriate means
30 by the licenseholder or the holder's counsel, with a copy
31 of the communication to be sent to the claimant through
32 the claimant's counsel if the claimant is so represented, or
33 directly if the claimant is not. If, within 45 days of the
34 conclusion of the settlement agreement or service of the
35 arbitration award on the parties, counsel for the claimant,
36 or if the claimant is not represented by counsel, the
37 claimant, has not received a copy of the report, he or she
38 shall himself or herself make the complete report. Failure
39 of the licenseholder or claimant or, if represented by
40 counsel, their counsel, to comply with this section shall be

1 a misdemeanor punishable by a fine of not less than one
2 hundred dollars (\$100) or more than one thousand dollars
3 (\$1,000). Knowing and intentional failure to comply with
4 this section, or conspiracy or collusion not to comply with
5 this section, or to hinder or impede any other person in
6 compliance shall be a misdemeanor punishable by a fine
7 of not less than ten thousand dollars (\$10,000) nor more
8 than one hundred thousand dollars (\$100,000).

9 SEC. 22.38. Section 5680 of the Business and
10 Professions Code is amended to read:

11 5680. (a) Licenses issued under this chapter shall
12 expire no more than 24 months after the issue date. The
13 expiration date of the original license shall be set by the
14 board in a manner to best distribute renewal procedures
15 throughout each year.

16 (b) To renew an unexpired license, the licenseholder
17 shall, on or before the expiration date of the license, apply
18 for renewal on a form prescribed by the board, and pay
19 the renewal fee prescribed by this chapter.

20 (c) The renewal form shall include a statement
21 specifying whether the licensee was convicted of a crime
22 or disciplined by another public agency during the
23 preceding renewal period and that the licensee's
24 representations on the renewal form are true, correct,
25 and contain no material omissions of fact, to the best
26 knowledge and belief of the licensee.

27 SEC. 22.39. Section 5680.05 of the Business and
28 Professions Code is amended to read:

29 5680.05. Within 10 days after a judgment by a court of
30 this state that a licenseholder has committed a crime or
31 is liable for any death, personal or property injury or loss
32 caused by the licenseholder's fraud, deceit, negligence,
33 incompetency, or recklessness in practice, the clerk of the
34 court which rendered the judgment shall report this to
35 the board.

36 SEC. 22.40. Section 5680.1 of the Business and
37 Professions Code is amended to read:

38 5680.1. Except as otherwise provided in this chapter,
39 a license which has expired may be renewed at any time
40 within three years after its expiration on filing of

1 application for renewal on a form prescribed by the
2 board, and payment of the renewal fee in effect on the last
3 preceding regular renewal date. If the license is renewed
4 more than 30 days after its expiration, the licenseholder,
5 as a condition precedent to renewal, shall also pay the
6 delinquency fee prescribed by this chapter. Renewal
7 under this section shall be effective on the date on which
8 the application is filed, on the date on which the renewal
9 fee is paid, or on the date on which the delinquency fee,
10 if any, is paid, whichever last occurs. If so renewed, the
11 license shall continue in effect through the date provided
12 in Section 5680 which next occurs after the effective date
13 of the renewal, when it shall expire if it is not again
14 renewed.

15 SEC. 22.41. Section 5680.2 of the Business and
16 Professions Code is amended to read:

17 5680.2. A license which is not renewed within three
18 years after its expiration may not be renewed, restored,
19 reissued, or reinstated thereafter, but the holder of the
20 license may apply for and obtain a new license if:

21 (a) No fact, circumstance, or condition exists which, if
22 the license were issued, would justify its revocation or
23 suspension.

24 (b) The applicant pays all of the fees which would be
25 required of the applicant if the applicant were then
26 applying for the license for the first time.

27 (c) The applicant takes and passes the examination
28 which would be required of the applicant if the applicant
29 were then applying for the license for the first time, or
30 otherwise establishes to the satisfaction of the board that
31 the applicant is qualified to practice landscape
32 architecture.

33 The board may, by regulation, authorize the waiver or
34 refund of all or any part of the examination fee in those
35 cases in which a license is issued without an examination
36 under this section.

37 SEC. 22.42. Section 5681 of the Business and
38 Professions Code is amended to read:

1 5681. The fees prescribed by this chapter for
2 landscape architect applicants and landscape architect
3 licensees shall be fixed by the board as follows:

4 (a) The application fee for reviewing an applicant's
5 eligibility to take any section of the examination may not
6 exceed one hundred dollars (\$100).

7 (b) The fee for any section of the examination
8 administered by the board shall not exceed the actual cost
9 to the board for purchasing and administering each exam.

10 (c) The fee for an original license may not exceed four
11 hundred dollars (\$400), except that, if the license is issued
12 less than one year before the date on which it will expire,
13 then the fee shall equal 50 percent of the fee fixed by the
14 board for an original license. The board may, by
15 appropriate regulation, provide for the waiver or refund
16 of the initial license fee where the license is issued less
17 than 45 days before the date on which it will expire.

18 (d) The fee for a temporary certificate shall be fixed
19 by the board in an amount not to exceed one hundred
20 dollars (\$100).

21 (e) The fee for a duplicate license may not exceed fifty
22 dollars (\$50).

23 (f) The renewal fee may not exceed four hundred
24 dollars (\$400).

25 (g) The penalty for failure to notify the board of a
26 change of address within 30 days from an actual change
27 in address may not exceed fifty dollars (\$50).

28 (h) The delinquency fee shall be 50 percent of the
29 renewal fee for the license in effect on the date of the
30 renewal of the license, but not less than fifty dollars (\$50)
31 nor more than two hundred dollars (\$200).

32 (i) The fee for filing an application for approval of a
33 school pursuant to Section 5650 may not exceed six
34 hundred dollars (\$600) charged and collected on an
35 biennial basis.

36 ~~SEC. 23. Section 6980.12 of the Business and~~
37 ~~Professions Code is amended to read:~~

38 ~~6980.12. This chapter does not apply to the following~~
39 ~~persons:~~

1 ~~(a) Any person, or his or her agent or employee, who~~
2 ~~is the manufacturer of a product, other than locks and~~
3 ~~keys, and who installs, repairs, opens, or modifies locks or~~
4 ~~who makes keys for the locks of that product as a normal~~
5 ~~incident to its marketing.~~

6 ~~(b) Employees who are industrial or institutional~~
7 ~~locksmiths, provided that the employees provide~~
8 ~~locksmith services only to a single employer that does not~~
9 ~~provide locksmith services for hire to the public.~~

10 ~~(c) Tow truck operators who do not originate keys for~~
11 ~~locks and whose locksmith services are limited to motor~~
12 ~~vehicles.~~

13 ~~(d) Any person employed exclusively and regularly by~~
14 ~~a state correctional institution.~~

15 ~~(e) Any person registered with the bureau pursuant to~~
16 ~~Chapter 11 (commencing with Section 7500) if the duties~~
17 ~~of that person's position that constitute locksmithing are~~
18 ~~ancillary to the primary duties and functions of that~~
19 ~~person's position.~~

20 ~~(f) Any agent or employee of a retail establishment~~
21 ~~that has a primary business other than providing~~
22 ~~locksmith services, providing all of the following criteria~~
23 ~~are met:~~

24 ~~(1) The services provided by the retail establishment~~
25 ~~are limited to rekeying and recombination of locks.~~

26 ~~(2) All rekeying, recombination, and installation of~~
27 ~~locks must take place on the premises of the retail~~
28 ~~establishment.~~

29 ~~(3) All rekeying, recombination, and installation~~
30 ~~services provided by the retail establishment subject to~~
31 ~~this chapter are limited to locks purchased on the retail~~
32 ~~establishment's premises and are conducted prior to~~
33 ~~purchasers taking possession of the locks.~~

34 ~~(4) No unlicensed agent or employee of the retail~~
35 ~~establishment shall advertise or represent himself or~~
36 ~~herself to be licensed under this chapter, and no agent or~~
37 ~~employee of the retail establishment shall advertise or~~
38 ~~represent himself or herself to be a locksmith.~~

1 ~~(5) No agent or employee of the retail establishment~~
2 ~~shall design or implement a master key system, as defined~~
3 ~~in subdivision (o) of Section 6980.~~

4 ~~(6) No agent or employee of the retail establishment~~
5 ~~shall rekey, change the combination of, alter, or install~~
6 ~~any automotive locks.~~

7 ~~(7) The retail establishment shall not have on its~~
8 ~~premises any locksmith tool, as defined in subdivision (s)~~
9 ~~of Section 6980, other than the following:~~

10 ~~(A) Key duplication machines.~~

11 ~~(B) Key blanks.~~

12 ~~(C) Pin kits.~~

13 ~~(g) Any law enforcement officer employed by any~~
14 ~~city, county, city and county, state, or federal law~~
15 ~~enforcement agency, if all services are performed during~~
16 ~~the course of the officer's professional duties.~~

17 ~~(h) Firefighters or emergency medical personnel~~
18 ~~employed by any city, county, city and county, district, or~~
19 ~~state agency, if all services are performed during the~~
20 ~~course of duties as a firefighter or emergency medical~~
21 ~~person.~~

22 ~~(i) Licensed contractors holding the appropriate~~
23 ~~specialty certification for locksmith-constructors.~~

24 ~~SEC. 24.~~

25 ~~SEC. 23. Section 9880.1 of the Business and~~
26 ~~Professions Code is amended to read:~~

27 ~~9880.1. The following terms as used in this chapter~~
28 ~~have the meaning expressed in this section.~~

29 ~~(a) "Automotive repair dealer" means a person who,~~
30 ~~for compensation, engages in the business of repairing or~~
31 ~~diagnosing malfunctions of motor vehicles.~~

32 ~~(b) "Chief" means the Chief of the Bureau of~~
33 ~~Automotive Repair.~~

34 ~~(c) "Bureau" means the Bureau of Automotive~~
35 ~~Repair.~~

36 ~~(d) "Motor vehicle" means a passenger vehicle~~
37 ~~required to be registered with the Department of Motor~~
38 ~~Vehicles and all motorcycles whether or not required to~~
39 ~~be registered by the Department of Motor Vehicles.~~

1 (e) "Repair of motor vehicles" means all maintenance
2 of and repairs to motor vehicles performed by an
3 automotive repair dealer including automotive body
4 repair work, but excluding those repairs made pursuant
5 to a commercial business agreement and also excluding
6 repairing tires, changing tires, lubricating vehicles,
7 installing light bulbs, batteries, windshield wiper blades
8 and other minor accessories, cleaning, adjusting, and
9 replacing spark plugs, replacing fan belts, oil, and air
10 filters, and other minor services, which the director, by
11 regulation, determines are customarily performed by
12 gasoline service stations.

13 No service shall be designated as minor, for purposes of
14 this section, if the director finds that performance of the
15 service requires mechanical expertise, has given rise to a
16 high incidence of fraud or deceptive practices, or
17 involves a part of the vehicle essential to its safe
18 operation.

19 (f) "Person" includes firm, partnership, association,
20 limited liability company, or corporation.

21 (g) An "automotive technician" is an employee of an
22 automotive repair dealer or is that dealer, if the employer
23 or dealer repairs motor vehicles and who for salary or
24 wage performs maintenance, diagnostics, repair,
25 removal, or installation of any integral component parts
26 of an engine, driveline, chassis or body of any vehicle, but
27 excluding repairing tires, changing tires, lubricating
28 vehicles, installing light bulbs, batteries, windshield
29 wiper blades, and other minor accessories; cleaning,
30 replacing fan belts, oil and air filters; and other minor
31 services which the director, by regulation, determines are
32 customarily performed by a gasoline service station.

33 (h) "Director" means the Director of Consumer
34 Affairs.

35 (i) "Commercial business agreement" means an
36 agreement, whether in writing or oral, entered into
37 between a business or commercial enterprise and an
38 automobile repair dealer, prior to the repair which is
39 requested being made, which agreement contemplates a
40 continuing business arrangement under which the

1 automobile repair dealer is to repair any vehicle covered
2 by the agreement, but does not mean any warranty or
3 extended service agreement normally given by an
4 automobile repair facility to its customers.

5 ~~SEC. 25.~~

6 *SEC. 24.* Section 9882.5 of the Business and
7 Professions Code is amended to read:

8 9882.5. The director shall on his or her own initiative
9 or in response to complaints, investigate on a continuous
10 basis and gather evidence of violations of this chapter and
11 of any regulation adopted pursuant to this chapter, by any
12 automotive repair dealer or automotive technician,
13 whether registered or not, and by any employee, partner,
14 officer, or member of any automotive repair dealer. The
15 director shall establish procedures for accepting
16 complaints from the public against any dealer or
17 automotive technician. The director may suggest
18 measures that, in the director's judgment, would
19 compensate for any damages suffered as a result of an
20 alleged violation. If the dealer accepts the suggestions
21 and performs accordingly, such fact shall be given due
22 consideration in any subsequent disciplinary proceeding.

23 ~~SEC. 26.~~

24 *SEC. 25.* Section 9884.7 of the Business and
25 Professions Code is amended to read:

26 9884.7. (a) The director, where the automotive
27 repair dealer cannot show there was a bona fide error,
28 may refuse to validate, or may invalidate temporarily or
29 permanently, the registration of an automotive repair
30 dealer for any of the following acts or omissions related to
31 the conduct of the business of the automotive repair
32 dealer, which are done by the automotive repair dealer
33 or any automotive technician, employee, partner, officer,
34 or member of the automotive repair dealer.

35 (1) Making or authorizing in any manner or by any
36 means whatever any statement written or oral which is
37 untrue or misleading, and which is known, or which by
38 the exercise of reasonable care should be known, to be
39 untrue or misleading.

1 (2) Causing or allowing a customer to sign any work
2 order which does not state the repairs requested by the
3 customer or the automobile's odometer reading at the
4 time of repair.

5 (3) Failing or refusing to give to a customer a copy of
6 any document requiring his or her signature, as soon as
7 the customer signs the document.

8 (4) Any other conduct which constitutes fraud.

9 (5) Conduct constituting gross negligence.

10 (6) Failure in any material respect to comply with the
11 provisions of this chapter or regulations adopted pursuant
12 to it.

13 (7) Any willful departure from or disregard of
14 accepted trade standards for good and workmanlike
15 repair in any material respect, which is prejudicial to
16 another without consent of the owner or his or her duly
17 authorized representative.

18 (8) Making false promises of a character likely to
19 influence, persuade, or induce a customer to authorize
20 the repair, service, or maintenance of automobiles.

21 (9) Having repair work done by someone other than
22 the dealer or his or her employees without the knowledge
23 or consent of the customer unless the dealer can
24 demonstrate that the customer could not reasonably have
25 been notified.

26 (10) Conviction of a violation of Section 551 of the
27 Penal Code.

28 Upon refusal to validate a registration, the director shall
29 notify the applicant thereof, in writing, by personal
30 service or mail addressed to the address of the applicant
31 set forth in the application, and the applicant shall be
32 given a hearing under Section 9884.12 if, within 30 days
33 thereafter, he or she files with the bureau a written
34 request for hearing, otherwise the refusal is deemed
35 affirmed.

36 (b) Except as provided for in subdivision (c), if an
37 automotive repair dealer operates more than one place
38 of business in this state, the director pursuant to
39 subdivision (a) shall only refuse to validate, or shall only
40 invalidate temporarily or permanently the registration of

1 the specific place of business which has violated any of the
2 provisions of this chapter. This violation, or action by the
3 director, shall not affect in any manner the right of the
4 automotive repair dealer to operate his or her other
5 places of business.

6 (c) Notwithstanding subdivision (b), the director may
7 refuse to validate, or may invalidate temporarily or
8 permanently, the registration for all places of business
9 operated in this state by an automotive repair dealer
10 upon a finding that the automotive repair dealer has, or
11 is, engaged in a course of repeated and willful violations
12 of this chapter, or regulations adopted pursuant to it.

13 ~~SEC. 27.~~

14 ~~SEC. 26.~~ Section 9889.30 of the Business and
15 Professions Code is repealed.

16 ~~SEC. 28.~~ Section 9889.31 of the Business and
17 Professions Code is amended to read:

18 ~~9889.31. (a) The bureau shall establish standards for~~
19 ~~the certification of automotive repair facilities. These~~
20 ~~standards shall relate to automotive technicians'~~
21 ~~qualifications, financial stability, warranties for repair~~
22 ~~work, customer satisfaction, quality of repair equipment,~~
23 ~~and other relevant criteria as determined by the bureau.~~

24 ~~(b) An automotive repair facility that meets the~~
25 ~~certification standards and maintains them shall be~~
26 ~~authorized to display both an emblem and a document of~~
27 ~~certification specifying the area or areas of automotive~~
28 ~~repair for which the facility has met certification~~
29 ~~standards. The emblem and document of certification~~
30 ~~shall be the property of the State of California and shall~~
31 ~~remain so even when issued to a facility for display.~~

32 ~~(c) The bureau shall regularly publish a list of certified~~
33 ~~automotive repair facilities in the pilot study area, and~~
34 ~~shall make the list available for free public distribution.~~

35 ~~(d) As used in this article, an "automotive repair~~
36 ~~facility" means an automotive repair dealer registered~~
37 ~~pursuant to Section 9884 and the preponderance of whose~~
38 ~~motor vehicle repair work is to passenger vehicles,~~
39 ~~excluding motorcycles or other specialty vehicles.~~

1 ~~SEC. 29. Section 9889.32 of the Business and~~
2 ~~Professions Code is amended to read:~~

3 ~~9889.32. The bureau shall promulgate standards for~~
4 ~~the certification of automotive repair facilities, which~~
5 ~~shall include, but not be limited to, the following:~~

6 ~~(a) Automotive technicians' qualifications. As a~~
7 ~~requirement for certification, a facility must employ at~~
8 ~~least one automotive technician in each service area in~~
9 ~~which it offers repair services who meets one or more of~~
10 ~~the following requirements:~~

11 ~~(1) The satisfactory completion of written or practical~~
12 ~~examinations relating to automotive repair, such as those~~
13 ~~offered by national or regional automotive organizations.~~

14 ~~(2) The satisfactory completion of apprenticeship~~
15 ~~training programs in the field of automotive repair.~~

16 ~~(3) Specified years of practical experience in~~
17 ~~automotive repair.~~

18 ~~(4) The satisfactory completion of other training~~
19 ~~programs or other measures of qualification which the~~
20 ~~bureau shall adopt by regulation in accordance with~~
21 ~~Chapter 3.5 (commencing with Section 11340) of Part 1~~
22 ~~of Division 3 of Title 2 of the Government Code.~~

23 ~~A facility which employs 10 or fewer automotive~~
24 ~~technicians may be certified in one or more repair areas~~
25 ~~based on the qualifications of one automotive technician.~~

26 ~~(b) Standards of financial responsibility and stability,~~
27 ~~including a minimum period of six months of doing~~
28 ~~business as an automotive repair facility in the State of~~
29 ~~California, a satisfactory credit rating, and adequate~~
30 ~~property damage and liability insurance coverage.~~

31 ~~(c) Standards of warranty, including a minimum~~
32 ~~guarantee on all repairs of at least three months or 3,000~~
33 ~~miles, whichever occurs first, except that the bureau may~~
34 ~~establish higher minimum standards in areas of repairs in~~
35 ~~which the industry standards exceed the above~~
36 ~~minimums.~~

37 ~~(d) Acceptable levels of customer satisfaction. The~~
38 ~~bureau shall devise methods to measure customer~~
39 ~~satisfaction, which may include, but are not limited to,~~
40 ~~postcard surveys, to determine if the facility meets an~~

~~1 acceptable level of customer satisfaction. The surveys
2 shall include a statement informing the respondents that
3 the survey is a routine and regular part of the certification
4 process, taken among customers of all shops, and aimed
5 at measuring and helping to maintain the level of
6 customer satisfaction among repair facilities.~~

~~7 (e) Standards for repair equipment, including proper
8 calibration and maintenance standards, and types of
9 repair equipment required.~~

~~10 It shall be the responsibility of the bureau to
11 promulgate these standards in accordance with the
12 provisions of Chapter 3.5 (commencing with Section
13 11340) of Part 1 of Division 3 of Title 2 of the Government
14 Code, except that these standards shall only be adopted
15 after at least two public hearings have been held in the
16 pilot study area.~~

~~17 SEC. 30. Section 9889.33 of the Business and
18 Professions Code is amended to read:~~

~~19 9889.33. The bureau shall promulgate, in accordance
20 with the provisions of Chapter 3.5 (commencing with
21 Section 11340) of Part 1 of Division 3 of Title 2 of the
22 Government Code, rules and regulations relating to the
23 certification of registered automotive repair facilities,
24 which shall include, but not be limited to, rules and
25 regulations setting forth the following:~~

~~26 (a) An application procedure for interested
27 automotive repair dealers and an onsite inspection
28 procedure to be performed by the bureau staff to
29 determine compliance with standards for certification
30 established pursuant to Sections 9889.31 and 9889.32. As
31 part of the application procedure, the applicant shall be
32 required to post "A Notice to Employees of Intent to Seek
33 Certification." The notice shall be prepared by the
34 bureau and shall be posted by the applicant in a place
35 conspicuous to the applicant's employees but not to the
36 public. The notice shall explain briefly the certification
37 program and how further information may be obtained.~~

~~38 (1) The bureau shall establish standards for
39 certification in the following areas of automotive repair:~~

~~40 (A) Engine tune-up and emissions control repair.~~

- ~~(B) Brake repair.~~
- ~~(C) Electrical repair.~~
- ~~(D) Air-conditioning and heating repair.~~
- ~~(E) Minor engine repair.~~
- ~~(F) Manual transmission repair.~~
- ~~(G) Automatic transmission repair.~~
- ~~(H) Major engine repair.~~
- ~~(I) Front end alignment and repair.~~

~~(2) The procedures shall set forth the basic requirements for application and certification in one or more of these areas of automotive repair. Every automotive repair facility for which an application for certification has been made shall be required to meet certification standards in each area of automotive repair listed above in which it offers services.~~

~~This provision shall not be construed to prohibit an automotive repair facility that is certified in one area from performing emergency repairs in another area for which it is not certified if the safety of a motorist or others is involved, or from offering or performing repair work or related services in areas other than the areas listed above.~~

~~(3) Any certified automotive repair facility may sublet or subcontract repair work in any area for which it is certified. The subcontractor need not be certified, but the certified automotive repair facility shall be responsible for the repairs performed by the subcontractor in the same manner as if the repairs were performed by the certified automotive repair facility. The bureau may place a ceiling on the percentage of repairs that a certified automotive repair facility may sublet, if the bureau deems it necessary to protect the integrity and purpose of the certification program.~~

~~(4) A dealer applying for certification who sublets or plans to sublet any part of the repairs in an area for which he or she seeks certification shall so state in his or her original application or by followup notification to the chief. That dealer shall not be required to employ an automotive technician who meets the qualifications set forth in subdivision (a) of Section 9889.32 for that service area.~~

~~(b) A certification procedure that includes an investigation by the bureau staff and a final decision by the chief that the automotive repair facility does or does not meet the minimum standards required for certification.~~

~~Any dealer whose facility has been denied certification shall be provided, pursuant to Section 9889.34, with a notice specifying why certification was denied and what the dealer may do to obtain certification.~~

~~A dealer whose application for certification has been denied because of specified deficiencies shall have the right to submit to the bureau evidence of the correction of those deficiencies and to request, in writing, that the application for certification be reevaluated in light of that evidence. The bureau shall be required to reevaluate an application for certification within three months after receiving a request to do so. A dealer shall be permitted to make only one request for reevaluation, but may apply for certification once every three months.~~

~~(c) A decertification procedure that includes onsite and other inspections deemed necessary, and notification by the chief to the automotive repair dealer regarding those areas in which the facility fails to meet certification standards, and specifying any corrective action that must be performed by the dealer within a specified time period, not exceeding 30 days, in order to retain certification.~~

~~If, in the opinion of the chief, the dealer has failed to correct the deficiencies within the allotted time period, the chief may, pending any final decision on decertification, revoke the dealer's right to display on the premises, and may physically remove from the premises of the facility, any emblem or document of certification issued by the bureau.~~

~~A dealer whose facility has been decertified shall have the right to apply for recertification 180 days after all appeals have been taken and the decision regarding decertification has become final.~~

~~(d) An appeals procedure that provides an automotive repair dealer with the following two methods of~~

~~appealing an adverse decision of the chief relating to decertification or refusal to grant certification:~~

~~(1) A dealer whose application for certification has been denied or whose facility has been decertified shall have the right to appeal that decision to the bureau which after giving the dealer written notice of an opportunity to appear and present his or her case before the bureau, may, upon a majority vote of the full board, recommend to the chief that a decision of the chief regarding denial of certification or decertification be changed. If the dealer is not satisfied with the recommendation of the bureau, he or she may file an action pursuant to the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the dealer shall have all the rights afforded under that act.~~

~~(2) A dealer whose application for certification has been denied or whose facility has been decertified shall also have the right to appeal that decision by bypassing an appeal to the bureau pursuant to paragraph (1) and instead directly filing an action pursuant to the provisions of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the dealer shall have all the rights afforded under that act.~~

~~Notwithstanding any other provision of law, any action filed pursuant to this section and any documents related thereto shall become a matter of public record only under the conditions set forth in Section 9889.47.~~

~~(e) A procedure for annual recertification which shall be based on the current standards for certification.~~

~~SEC. 31.~~

~~SEC. 27. Section 22448 is added to the Business and Professions Code, to read:~~

~~22448. Any civil action to enforce any cause of action pursuant to this chapter shall be commenced within four years after the cause of action has accrued. The cause of action is not to be deemed to have accrued until the discovery, by the aggrieved party, of the facts constituting the violation.~~

1 ~~SEC. 32.~~

2 *SEC. 28.* Section 8214.1 of the Government Code is
3 amended to read:

4 8214.1. The Secretary of State may refuse to appoint
5 any person as notary public or may revoke or suspend the
6 commission of any notary public upon any of the
7 following grounds:

8 (a) Substantial and material misstatement or omission
9 in the application submitted to the Secretary of State.

10 (b) Conviction of a felony, a lesser offense involving
11 moral turpitude, or a lesser offense of a nature
12 incompatible with the duties of a notary public. A
13 conviction after a plea of nolo contendere is deemed to
14 be a conviction within the meaning of this subdivision.

15 (c) Revocation, suspension, restriction, or denial of a
16 professional license, if the revocation, suspension,
17 restriction, or denial was for misconduct for dishonesty,
18 or for any cause substantially relating to the duties or
19 responsibilities of a notary public.

20 (d) Failure to discharge fully and faithfully any of the
21 duties or responsibilities required of a notary public.

22 (e) When adjudged liable for damages in any suit
23 grounded in fraud, misrepresentation, or violation of the
24 state regulatory laws or in any suit based upon a failure to
25 discharge fully and faithfully the duties as a notary public.

26 (f) The use of false or misleading advertising wherein
27 the notary public has represented that the notary public
28 has duties, rights, or privileges that he or she does not
29 possess by law.

30 (g) The practice of law in violation of Section 6125 of
31 the Business and Professions Code.

32 (h) Charging more than the fees prescribed by this
33 chapter.

34 (i) Commission of any act involving dishonesty, fraud,
35 or deceit with the intent to substantially benefit the
36 notary public or another, or substantially injure another.

37 (j) Failure to complete the acknowledgment at the
38 time the notary's signature and seal are affixed to the
39 document.

1 (k) Failure to administer the oath or affirmation as
2 required by paragraph (3) of subdivision (a) of Section
3 8205.

4 (l) Execution of any certificate as a notary public
5 containing a statement known to the notary public to be
6 false.

7 (m) Violation of Section 8223.

8 (n) Failure to submit any remittance payable upon
9 demand by the Secretary of State under this chapter or
10 failure to satisfy any court-ordered money judgment,
11 including restitution.

12 (o) Failure to secure the sequential journal of official
13 acts, pursuant to Section 8206, or the official seal, pursuant
14 to Section 8207.

15 (p) Violation of Section 8219.5.

16 ~~SEC. 33.~~

17 *SEC. 29.* Section 8214.15 of the Government Code is
18 amended to read:

19 8214.15. (a) In addition to any commissioning or
20 disciplinary sanction, a violation of subdivision (f), (i),
21 (l), (m), or (p) of Section 8214.1, or a willful violation of
22 subdivision (d) of Section 8214.1, is punishable by a civil
23 penalty not to exceed one thousand five hundred dollars
24 (\$1,500).

25 (b) In addition to any commissioning or disciplinary
26 sanction, a violation of subdivision (h), (j), or (k) of
27 Section 8214.1, or a negligent violation of subdivision (d)
28 of Section 8214.1, is punishable by a civil penalty not to
29 exceed seven hundred fifty dollars (\$750).

30 (c) The civil penalty may be imposed by the Secretary
31 of State if a hearing is not requested pursuant to Section
32 8214.3. If a hearing is requested, the hearing officer shall
33 make the determination.

34 (d) Any civil penalties collected pursuant to this
35 section shall be transferred to the General Fund. It is the
36 intent of the Legislature that to the extent General Fund
37 moneys are raised by penalties collected pursuant to this
38 section, that money should be made available to the
39 Secretary of State's office to defray its costs of

1 investigating and pursuing commissioning and monetary
2 remedies for violations of the notary public law.

3 ~~SEC. 33.5.~~

4 *SEC. 30.* Section 8219.5 of the Government Code is
5 amended to read:

6 8219.5. (a) Every notary public who is not an
7 attorney who advertises the services of a notary public in
8 a language other than English by signs or other means of
9 written communication, with the exception of a single
10 desk plaque, shall post with that advertisement a notice
11 in English and in the other language which sets forth the
12 following:

13 (1) This statement: I am not an attorney and,
14 therefore, cannot give legal advice about immigration or
15 any other legal matters.

16 (2) The fees set by statute which a notary public may
17 charge.

18 (b) The notice required by subdivision (a) shall be
19 printed and posted as prescribed by the Secretary of
20 State.

21 (c) Literal translation of the phrase “notary public”
22 into Spanish, hereby defined as “notario publico” or
23 “notario,” is prohibited. For purposes of this subdivision,
24 “literal translation” of a word or phrase from one
25 language to another means the translation of a word or
26 phrase without regard to the true meaning of the word or
27 phrase in the language which is being translated.

28 (d) The Secretary of State shall suspend for a period of
29 not less than one year or revoke the commission of any
30 notary public who fails to comply with subdivision (a) or
31 (c). However, on the second offense the commission of
32 such notary public shall be revoked permanently.

33 ~~SEC. 34.~~

34 *SEC. 31.* Section 8223 of the Government Code is
35 amended to read:

36 8223. (a) No notary public who holds himself or
37 herself out as being an immigration specialist,
38 immigration consultant or any other title or description
39 reflecting an expertise in immigration matters shall

1 advertise in any manner whatsoever that he or she is a
2 notary public.

3 (b) A notary public may enter data, provided by the
4 client, on immigration forms provided by a federal or
5 state agency. The fee for this service shall not exceed ten
6 dollars (\$10) per individual for each set of forms. If notary
7 services are performed in relation to the set of
8 immigration forms, additional fees may be collected
9 pursuant to Section 8211. This fee limitation shall not
10 apply to an attorney, who is also a notary public, who is
11 rendering professional services regarding immigration
12 matters.

13 (c) Nothing in this section shall be construed to
14 exempt a notary public who enters data on an
15 immigration form at the direction of a client, or otherwise
16 performs the services of an immigration consultant, as
17 defined by Section 22441 of the Business and Professions
18 Code, from the requirements of Sections 22440 to 22447,
19 inclusive, of the Business and Professions Code.

20 ~~SEC. 35.~~

21 *SEC. 32.* Section 803 of the Penal Code is amended to
22 read:

23 803. (a) Except as provided in this section, a
24 limitation of time prescribed in this chapter is not tolled
25 or extended for any reason.

26 (b) No time during which prosecution of the same
27 person for the same conduct is pending in a court of this
28 state is a part of a limitation of time prescribed in this
29 chapter.

30 (c) A limitation of time prescribed in this chapter does
31 not commence to run until discovery of an offense
32 described in this subdivision. This subdivision applies to
33 an offense punishable by imprisonment in the state
34 prison, a material element of which is fraud or breach of
35 a fiduciary obligation or the basis of which is misconduct
36 in office by a public officer, employee, or appointee,
37 including, but not limited to, the following offenses:

38 (1) Grand theft of any type, forgery, falsification of
39 public records, or acceptance of a bribe by a public official
40 or a public employee.

1 (2) A violation of Section 72, 118, 118a, 132, or 134.

2 (3) A violation of Section 25540, of any type, or Section
3 25541 of the Corporations Code.

4 (4) A violation of Section 1090 or 27443 of the
5 Government Code.

6 (5) Felony welfare fraud or Medi-Cal fraud in violation
7 of Section 11483 or 14107 of the Welfare and Institutions
8 Code.

9 (6) Felony insurance fraud in violation of Section 548
10 or 550 of this code or former Section 1871.1, or Section
11 1871.4, of the Insurance Code.

12 (7) A violation of Section 580, 581, 582, 583, or 584 of the
13 Business and Professions Code.

14 (8) A violation of Section 22430 of the Business and
15 Professions Code.

16 (9) A violation of Section 10690 of the Health and
17 Safety Code.

18 (10) A violation of Section 529a.

19 (d) If the defendant is out of the state when or after the
20 offense is committed, the prosecution may be
21 commenced as provided in Section 804 within the
22 limitations of time prescribed by this chapter, and no time
23 up to a maximum of three years during which the
24 defendant is not within the state shall be a part of those
25 limitations.

26 (e) A limitation of time prescribed in this chapter does
27 not commence to run until the offense has been
28 discovered, or could have reasonably been discovered,
29 with regard to offenses under Division 7 (commencing
30 with Section 13000) of the Water Code, under Chapter 6.5
31 (commencing with Section 25100) of, Chapter 6.7
32 (commencing with Section 25280) of, or Chapter 6.8
33 (commencing with Section 25300) of, Division 20 of, or
34 Part 4 (commencing with Section 41500) of Division 26 of,
35 the Health and Safety Code, or under Section 386, or
36 offenses under Chapter 5 (commencing with Section
37 2000) of Division 2 of, or Chapter 9 (commencing with
38 Section 4000) of Division 2 of, or Chapter 10
39 (commencing with Section 7301) of Division 3 of, or



1 Chapter 19.5 (commencing with Section 22440) of
2 Division 8 of, the Business and Professions Code.

3 (f) (1) Notwithstanding any other limitation of time
4 described in this chapter, a criminal complaint may be
5 filed within one year of the date of a report to a
6 responsible adult or agency by a child under 18 years of
7 age that the child is a victim of a crime described in
8 Section 261, 286, 288, 288a, 288.5, 289, or 289.5.

9 (2) For purposes of this subdivision, a “responsible
10 adult” or “agency” means a person or agency required to
11 report pursuant to Section 11166. This subdivision applies
12 only if both of the following occur:

13 (A) The limitation period specified in Section 800 or
14 801 has expired.

15 (B) The defendant has committed at least one
16 violation of Section 261, 286, 288, 288a, 288.5, 289, or 289.5
17 against the same victim within the limitation period
18 specified for that crime in either Section 800 or 801.

19 (3) (A) This subdivision applies to a cause of action
20 arising before, on, or after January 1, 1990, the effective
21 date of this subdivision, and it shall revive any cause of
22 action barred by Section 800 or 801 if any of the following
23 occurred or occurs:

24 (i) The complaint or indictment was filed on or before
25 January 1, 1997, and it was filed within the time period
26 specified in this subdivision.

27 (ii) The complaint or indictment is or was filed
28 subsequent to January 1, 1997, and it is or was filed within
29 the time period specified within this subdivision.

30 (iii) The victim made the report required by this
31 subdivision to a responsible adult or agency after January
32 1, 1990, and a complaint or indictment was not filed
33 within the time period specified in this subdivision, but a
34 complaint or indictment is filed no later than 180 days
35 after the date on which either a published opinion of the
36 California Supreme Court, deciding whether retroactive
37 application of this section is constitutional, becomes final
38 or the United States Supreme Court files an opinion
39 deciding the question of whether retroactive application
40 of this subdivision is constitutional, whichever occurs first.

(iv) The victim made the report required by this subdivision to a responsible adult or agency after January 1, 1990, and a complaint or indictment was filed within the time period specified in this subdivision, but the indictment, complaint, or subsequently filed information was dismissed, but a new complaint or indictment is or was filed no later than 180 days after the date on which either a published opinion of the California Supreme Court, deciding whether retroactive application of this section is constitutional, becomes final or the United States Supreme Court files an opinion deciding the question of whether retroactive application of this subdivision is constitutional, whichever occurs first.

(B) (i) If the victim made the report required by this subdivision to a responsible adult or agency after January 1, 1990, and a complaint or indictment was filed within the time period specified in this subdivision, but the indictment, complaint, or subsequently filed information was dismissed, a new complaint or indictment may be filed notwithstanding any other provision of law, including, but not limited to, subdivision (c) of Section 871.5 and subdivision (b) of Section 1238.

(ii) An order dismissing an action filed under this subdivision, which is entered or becomes effective at any time prior to 180 days after the date on which either a published opinion of the California Supreme Court, deciding the question of whether retroactive application of this section is constitutional, becomes final or the United States Supreme Court files an opinion deciding the question of whether retroactive application of this subdivision is constitutional, whichever occurs first, shall not be considered an order terminating an action within the meaning of Section 1387.

(iii) Any ruling regarding the retroactivity of this subdivision or its constitutionality made in the course of the previous proceeding, including any review proceeding, shall not be binding upon refiling.

(g) (1) Notwithstanding any other limitation of time described in this chapter, a criminal complaint may be filed within one year of the date of a report to a California

1 law enforcement agency by a person of any age alleging
2 that he or she, while under the age of 18 years, was the
3 victim of a crime described in Section 261, 286, 288, 288a,
4 288.5, 289, or 289.5.

5 (2) This subdivision applies only if both of the
6 following occur:

7 (A) The limitation period specified in Section 800 or
8 801 has expired.

9 (B) The crime involved substantial sexual conduct, as
10 described in subdivision (b) of Section 1203.066,
11 excluding masturbation that is not mutual, and there is
12 independent evidence that clearly and convincingly
13 corroborates the victim's allegation. No evidence may be
14 used to corroborate the victim's allegation that otherwise
15 would be inadmissible during trial. Independent
16 evidence does not include the opinions of mental health
17 professionals.

18 (3) (A) This subdivision applies to a cause of action
19 arising before, on, or after January 1, 1994, the effective
20 date of this subdivision, and it shall revive any cause of
21 action barred by Section 800 or 801 if any of the following
22 occurred or occurs:

23 (i) The complaint or indictment was filed on or before
24 January 1, 1997, and it was filed within the time period
25 specified in this subdivision.

26 (ii) The complaint or indictment is or was filed
27 subsequent to January 1, 1997, and it is or was filed within
28 the time period specified within this subdivision.

29 (iii) The victim made the report required by this
30 subdivision to a law enforcement agency after January 1,
31 1994, and a complaint or indictment was not filed within
32 the time period specified in this subdivision, but a
33 complaint or indictment is filed no later than 180 days
34 after the date on which either a published opinion of the
35 California Supreme Court, deciding the question of
36 whether retroactive application of this subdivision is
37 constitutional, becomes final or the United States
38 Supreme Court files an opinion deciding the question of
39 whether retroactive application of this subdivision is
40 constitutional, whichever occurs first.

1 (iv) The victim made the report required by this
2 subdivision to a law enforcement agency after January 1,
3 1994, and a complaint or indictment was filed within the
4 time period specified in this subdivision, but the
5 indictment, complaint, or subsequently filed information
6 was dismissed, but a new complaint or indictment is filed
7 no later than 180 days after the date on which either a
8 published opinion of the California Supreme Court,
9 deciding the question of whether retroactive application
10 of this subdivision is constitutional, becomes final or the
11 United States Supreme Court files an opinion deciding
12 the question of whether retroactive application of this
13 subdivision is constitutional, whichever occurs first.

14 (B) (i) If the victim made the report required by this
15 subdivision to a law enforcement agency after January 1,
16 1994, and a complaint or indictment was filed within the
17 time period specified in this subdivision, but the
18 indictment, complaint, or subsequently filed information
19 was dismissed, a new complaint or indictment may be
20 filed notwithstanding any other provision of law,
21 including, but not limited to, subdivision (c) of Section
22 871.5 and subdivision (b) of Section 1238.

23 (ii) An order dismissing an action filed under this
24 subdivision, which is entered or becomes effective at any
25 time prior to 180 days after the date on which either a
26 published opinion of the California Supreme Court,
27 deciding the question of whether retroactive application
28 of this section is constitutional, becomes final or the
29 United States Supreme Court files an opinion deciding
30 the question of whether retroactive application of this
31 subdivision is constitutional, whichever occurs first, shall
32 not be considered an order terminating an action within
33 the meaning of Section 1387.

34 (iii) Any ruling regarding the retroactivity of this
35 subdivision or its constitutionality made in the course of
36 the previous proceeding, by any trial court or any
37 intermediate appellate court, shall not be binding upon
38 refiling.

O